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Women

**Get**

**On**

**Board**

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Committee*

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# State of California

## Women Legislators Caucus

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Marian Bergeson  
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Diane Watson

June, 1989

Dear Interested Party:

At the suggestion of the California Elected Women's Association for Education & Research (CEWAER), the California Women Legislator's Caucus requested in January of 1988 that the Senate Rules Committee sponsor **The California Board and Commission Project**, a research proposal to investigate the representation of women on boards and commissions at both the state and local levels.

The results of this year-long examination are now before you and represent the most comprehensive survey to-date of women's participation on public advisory boards.

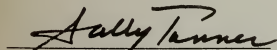
In addition to providing hard facts to document the perception that women are under-represented on appointive boards, this study opens our eyes to some of the more subtle impacts of the appointments process.

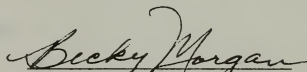
Not only are there far fewer women on state, county and city boards and commissions, women are less likely to be paid, less likely to regulate, and less likely to serve on boards advising in their non-traditional areas of employment.

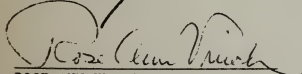
To ensure that our public advisory boards are truly representative, we must know who we are appointing to advise. This report, California Women Get on Board, is a positive step in understanding the dynamics of the appointment process and directing our efforts to a more representative democracy.

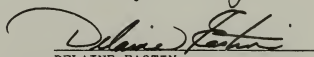
We thank the Senate Rules Committee for their leadership in sponsoring this research, and hope that you, the reader, will benefit from the information in the report.

Sincerely,

  
SALLY TANNER, CHAIR

  
REBECCA MORGAN, VICE CHAIR

  
ROSE ANN VUICH

  
DELAINE EASTIN



# **CALIFORNIA WOMEN GET ON BOARD!**

**A Report  
from the  
California Board and Commission Project**

**Kate Karpilow, Ph.D.  
Project Director**

**Julia Brootkowski  
Research Assistant**

**Prepared for the  
California State Senate Rules Committee**

**at the request of the  
Women Legislators Caucus**

**June 1989**



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## Executive Summary

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In January of 1988, the California Women Legislators Caucus requested that the Senate Rules Committee sponsor **The California Board and Commission Project**, a study to investigate the representation of women on both statewide and local boards and commissions.

More than a decade previously, legislation had been adopted requiring that public records be maintained on state, county and city board and commission appointments. The authorizing Government Codes, Section 12033 adopted in 1974 and Section 54970 adopted in 1975, also established requirements for public noticing of board vacancies.

Using the registries, the purpose of the California Board and Commission Project was to evaluate the extent to which the state's boards and commissions were balanced and representative of the state's general population -- with a particular focus on the participation of women.

Due to the considerable cooperation of local jurisdictions, registries were gathered from a representative sample of 18 counties and 24 cities. The Office of the Governor, the Senate Rules Committee, and the Office of the Speaker were also generous in providing information on their more than 3000 state appointments.

The results provide hard facts to back up more informal observations that there is significant under-representation of women on both statewide and local boards and commissions. Moreover, the results aid in the process of identifying where additional attention is needed if parity is to be achieved.

**At the state level, women held only 27.6% of all board and commission appointments. In the sample of 18 counties, women held 34.3% of all board seats. In the sample of 24 cities, women held 35.5% of the advisory positions.**

**Women did not reach parity, or 51%, on any board type at the state level. In counties, women only reached parity on one type of board: health and social services. In cities, women only reached parity on health and social service boards and library boards. At all levels of government, the representation of women decreased dramatically on boards advising in women's non-traditional areas of employment.**



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## HISTORY AND INTRODUCTION

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The Legislature finds and declares that a vast and largely untapped reservoir of talent exists among the citizenry of the State of California, and that rich and varied segments of this great human resource are, all too frequently, not aware of the many opportunities which exist to participate in and serve on state regulatory and advisory boards and commissions to which the Governor, the Legislature and others make more than 2,000 appointments.

*Government Code, Section 12033(a)*

The proof of the pudding is in the eating.

*Cervantes, Don Quixote*<sup>1</sup>

In 1974, the California State Legislature, at the request of the California Commission on the Status of Women, supported a bill sponsored by then Assemblyman Ken Maddy. The legislation required that the Governor "prepare and maintain an Open Central Registry of Appointive Offices, which shall be available to the general public in the offices of the Secretary of State in the Cities of Sacramento and Los Angeles, the State Library, and in each county clerk's office."<sup>2</sup> Requirements were also set in place for updating the registry and for timely and adequate public notification of vacancies on statewide boards and commissions.

The following year, similar legislation was adopted for cities and counties. The Maddy Local Appointive List Act of 1975 set forth requirements for local registries and public notification of board vacancies. (Government Code, Section 54970)

Looking back historically, these codes appear to have been adopted in the post-Watergate fervor of open records and accountable government. And while they represent an admirable step forward in providing members of the public with information on public advisory boards, it is not evident that improved public noticing has necessarily resulted in equal "opportunity to participate in and contribute to the operations of local government."<sup>3</sup>

At the suggestion of the California Elected Women's Association for Education & Research (CEWAER), the California Women Legislators Caucus requested in January of 1988 that the Senate Rules Committee sponsor **The California**

**Board and Commission Project**, a research proposal to investigate the representation of women on boards and commissions at both the state and local levels.

Over the past year, the Project Director has worked with state and local officials to collect and evaluate information on the representation of women on California boards and commissions.

Information on local boards and commissions was provided by City and County Clerks from throughout the state. The Governor's Office, the Senate Rules Committee and the Office of the Speaker also provided information on their appointments.

Key in the formulation of the research strategy and analysis was an active Advisory Board comprised of non-partisan, statewide women's organizations (See Appendix A). Research support was also provided by the Public Service Research and Dissemination Program from the University of California at Davis.<sup>4</sup>

Section One of the following report examines women's representation on statewide boards and commissions. Section Two reviews the participation of women in a representative sample of local boards and commissions. Section Three summarizes the conclusions of the study and briefly discusses measures adopted by different jurisdictions to increase participation on public advisory boards and commissions.

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## **SECTION ONE**

### **REPRESENTATION OF WOMEN ON STATEWIDE BOARDS AND COMMISSIONS**

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#### **Collecting and Coding Information on Statewide Appointments**

Information on all board and commission appointments made by the Governor, the Senate Rules Committee and the President Pro Tempore of the Senate, and the Speaker of the Assembly are compiled and listed in the Central Registry, as required under Government Code, Section 12033.

As a practical matter, each of the appointing authorities also maintains a computer file on their appointments, including background information on gender, ethnicity, party affiliation -- and in some cases, education and occupation. None of this background information is required by law.

All of the appointing authorities responded affirmatively to the request from the California Board and Commission Project to provide copies of their appointment lists and related background information. The considerable cooperation from the Governor's Office, the Senate Rules Committee and the Office of the Speaker contributed to a more informative analysis of the appointment process and the backgrounds of the appointees.

The list of Gubernatorial appointments was current as of July 8, 1988. The Senate and Assembly lists were current as of July 15, 1988. Because the information was provided at a set point in time, comparisons between the different appointing authorities are valid. However, it should be noted that the data does not allow for comparisons over time.

After the information was collected, a coding scheme was developed, and all of the information was coded. Displayed as Appendix B, this coding scheme can be adapted for future use in the State of California or in other studies of statewide appointments.

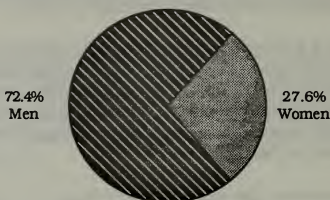
## State Results

A total of 3044 appointments to state boards and commissions were analyzed.<sup>5</sup> The Governor made 76.5% (2330) of the total appointments. The Senate Rules Committee and President Pro Tempore of the Senate made 13.3% (404), while the Speaker of the Assembly made 10.2% (310).

### • Women are appointed to less than 30% of all state appointments

Of the 3044 state appointments, 27.6% (840) were held by women while 72.4% (2204) were held by men. Two and one-half times more men were appointed than women; or, for every 25 appointments received by men, women received only 10.

Percentage Breakdown of  
3044 Appointments by the  
Governor, Senate Rules Committee & Speaker of the Assembly  
July, 1988



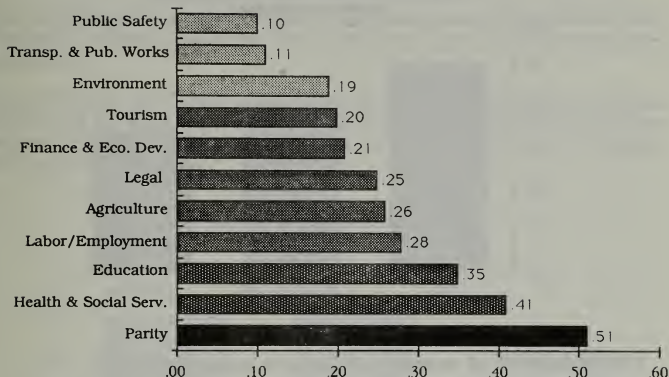
None of the three appointing authorities reached parity. The Speaker of the Assembly appointed the highest proportion of women to statewide boards and commissions, appointing 29.4% (91) of his 310 appointments. Out of the Governor's 2330 appointments, 27.8% (648) were women. 25% (101) of the Senate's 404 appointments were women.

### • Women did not reach parity on any type of board

An overall analysis of the representation of women is aided not only by considering their overall percentage contrasted to that for men, but also by comparing how women are represented on different *types* of boards.

After coding all state boards and commissions by type (e.g. health and social services, finance and economic development, etc.), there was not a single board-type that had parity representation of women.<sup>6</sup> Parity was estimated at 51%, based on women's representation in the state population.<sup>7</sup>

Percentages of Women  
on Types of State Boards



- **Highest proportion of women on boards advising in traditional employment areas**

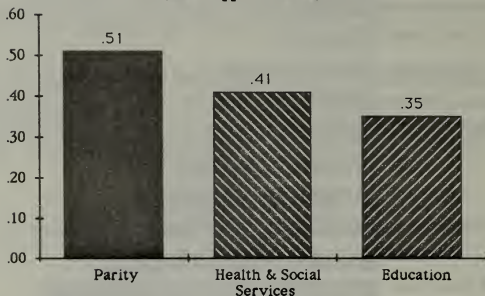
It is only on boards advising in areas of women's traditional areas of employment that the proportion of appointed women significantly exceeded their overall average of 27.6%.

The highest proportion of women appointees was in the area of health and social services where 41% of the 706 appointments were held by women. The second highest proportion of women appointees was in the area of education where women held 35% of the 204 appointments. While this preponderance of women on boards advising in their traditional areas of employment may not be surprising, it is clear that more than 10 years of public noticing has not achieved a more "level advisory field." Moreover, not even on these "traditional" boards did women achieve 51% or parity representation.

In fact, it was women's representation on these "traditional" boards which bolstered their representation statewide. When appointments to the health and social service boards and the education boards were removed from the analysis, the overall proportion of women on statewide boards and commissions fell to 22%, just over one-fifth of all appointments.



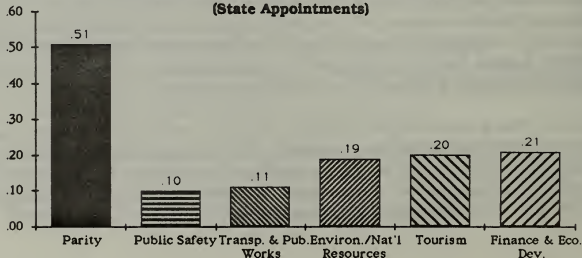
**Percentage of Women on State Board-types in  
Women's Traditional Areas of Employment  
(State Appointments)**



**• Appointment of women to boards in non-traditional employment areas was dismally low**

The proportions of women on what might be called non-traditional boards were considerably lower than their overall average of 27.6%. Only 10% of the 77 positions on public safety boards and 11% of the 119 positions on transportation and public works boards were held by women. 19% of the 242 positions advising in the area of the environment and natural resources, 20% of the 355 positions dealing with tourism, and 21% of the 212 finance and economic development appointments were held by women.

**Percentage of Women on Board-types in  
Women's Non-Traditional Employment Areas  
(State Appointments)**

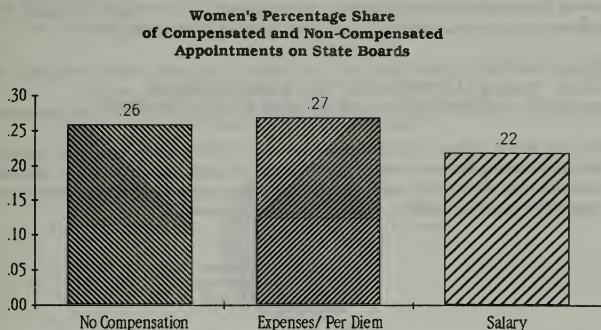




- **Women somewhat less likely to hold salaried board positions**

The study examined the percentages of women and men that received no compensation, expenses and/or per diem, or salaries for their work as state commissioners.

Overall, women were appointed to 26% of the 660 non-compensated positions and 27% of the 1913 board positions receiving only expenses and/or per diem. Women held 22% of the 73 salaried positions. Information was not available for 13% of the appointees.<sup>8</sup>



Focusing on salaried positions, we found that the Governor made 92% of the appointments to the salaried positions (67/73), and 19% of the Governor's appointments (13/67) to salaried positions were women. Information was not available for 12% of the Governor's appointees. The Senate made 3 salaried appointments, 2 men and 1 woman. The Speaker also made 3 salaried appointments, 2 women and 1 man.

27% of the Governor's appointments to both non-compensated boards and expenses/per diem boards were women. In contrast, 18% (11/62) of the Senate's appointments to non-compensated boards were women, while 23% (62/267) of the positions receiving expenses or per diem were women. Information on compensation was not available for 18% of the Senate appointments.

The Speaker appointed women to 23% (10/44) of his non-compensated appointments and to 27% (61/225) of his appointments receiving expenses or per diem. Information on compensation was not available for 12% of the Speaker's appointments.

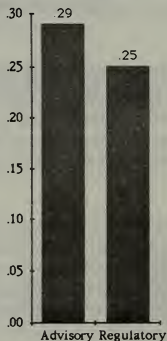
**• Men more likely to hold regulatory positions while women more likely to hold advisory positions**

Men were more likely to be appointed to regulatory positions (50%) than they were to hold advisory positions (44%), while women were more likely to hold advisory positions (47%) than they were to hold regulatory positions (44%). (For both men and women, the remaining percentages included appointments to quasi-judicial boards or missing information.)<sup>9</sup>

Women held only 25% of the 1477 regulatory positions, while men held 75% (1105). Women held 29% of the 1367 advisory positions, while men held 71%. Information was available for all but 6.5% of the population.

Not only did a higher proportion of male appointees hold regulatory positions, men also held a larger share of the regulatory positions than of the advisory positions. In short, men were more likely to be appointed to positions with regulatory decision-making power than were women.

**Percentages of Women  
Appointed to Advisory and  
Regulatory State Boards**



- **Men appointed to three-fourths of appointments requiring Senate confirmation**

23%, or 529, of the Governor's 2330 appointees required Senate confirmation.<sup>10</sup>

Compared to men, women had a somewhat reduced opportunity to be appointed to boards requiring Senate confirmation. 24% of all male gubernatorial appointees held positions requiring Senate confirmation, compared to 20% of all women appointees.

Women held 29% of the 1798 positions *not* requiring confirmation, but only 25% of the positions requiring confirmation.

**Percentage of Men and Women Holding  
Board Appointments Requiring Senate Confirmation  
(Governor's Appointments Only)**



- **Republican men most likely to be appointed and Democratic women least likely to be appointed**

Republican men received 48% (1453) of *all* statewide appointments; Republican women received 20% (595); Democratic men received 14% (428); and Democratic women received 5% (145). 14% of the population (423) reported either no party information or affiliation with a party other than the two major parties.

These proportions contrast significantly with the proportions of Republican and Democratic men and women in the state's voting population. Using unpublished data from the Field Institute, voter registration can be estimated to include 20% Republican men, 21% Republican women, 22% Democratic men, and 27% Democratic women, with the remainder declined-to-state.<sup>11</sup> Thus, it would appear that Republican men hold appointments at more than twice the rate of their representation in the voting public, while Democratic women are appointed at a rate one-fifth their representation in the voting population.

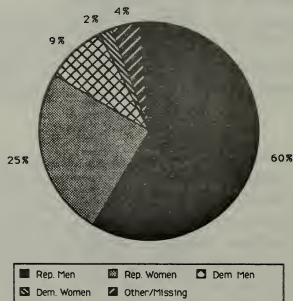
The Governor, a Republican, is the appointing authority with the greatest number of appointees, and has major impact on the overall percentages. It appears that his appointments may be made on a more partisan basis than the Speaker's, a Democrat, who is the only other appointing authority with reliable information on party affiliation.

60% (1400) of the Governor's appointments were Republican men, and 25% (585) were Republican women. Only 9% (211) of his appointments were Democratic men, while a mere 2% (42) were Democratic women. These figures are a fair representation of the Governor's appointment priorities in that party affiliation was available for all but 92 appointees, or 4%, of his 2330 total appointments.

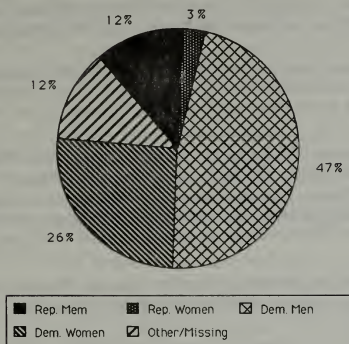
Party affiliation was not available for 73% of the Senate appointments, making any conclusions inappropriate. However, party affiliation was available for all but 12% of the Speaker's appointments. 47% (145) of the Speaker's 310 appointments were Democratic men; 26% (81) were Democratic women; 12% (38) were Republican men; and 3% (8) were Republican women.

Two conclusions can be drawn from the above information. First, 85% of the Governor's appointees were from his own party, while 73% of the Speaker's appointments were from his own party, although this statement must be tempered by the higher proportion of missing information for the Speaker's appointments. While partisanship clearly plays a role in both of their decision-making processes, it may weigh more heavily in the case of the Governor. It also appears that women from the opposite party of the appointing authority, be it Democratic or Republican, have the least likelihood of being appointed.

**Partisan Affiliation and Gender of Governor's Appointments  
(2330 appointments)**



**Partisan Affiliation and Gender of the Speaker's Appointments  
(310 appointments)**



• **Ethnic background information inconclusive -- but may point to significant under-representation of Latinos**

Ethnic information was not available for 26% (789) of the population, but for those that did report: 57% (1733) of all appointments were Caucasian, 7% (208) were Latinos, 5% (165) were African-American, and 4% (125) were Asian/Pacific Islander. As mentioned earlier, the source for this information was the rosters supplied by the three appointing authorities.

Statewide population statistics as projected by the Department of Finance for 1988 show the Caucasian population at 59.5%, the Latino population at 23.7%, and the African-American population at 7.5%.<sup>12</sup> The Department does not have specific 1988 projections for the Asian/Pacific Islander population, but the 1980 Census figures reported 5.5% for 1980.<sup>13</sup>

Given the fact that ethnic information for one-quarter of the appointees was not available, it is not possible to make any *definitive* statements comparing the representation of ethnic groups. However, the possibility of significant Latino under-representation deserves further scrutiny.

• **African-American appointments nearest to gender-balance**

Caucasian women and Latinas had 27% of the appointments held by their ethnic group, the approximate percentage of women's overall appointment rate. African-American women were the only ethnic group that came close to equal-

ing the number of appointments held by their male counterparts, holding 41% (68) of the 165 appointments held by African-American appointees as a whole. Asian/Pacific Islander women held 35% (44) of the 125 appointments held by their ethnic group. Again, these conclusions are based on data where ethnicity was not available or not reported for about one-fourth of the respondents.

The Governor's appointees were far more likely *not* to report ethnicity. 30% of the Governor's appointees, compared to 15% of the Senate's appointees and 7% of the Assembly appointees, did not have information on ethnicity.<sup>14</sup>

54% of the Gubernatorial appointees were Caucasian; 7% were Latino; 4% were African-American; 3% were Asian/Pacific Islander; 1% identified an "other" ethnic group, and the remaining 30% were not identified by ethnicity. Many appointees identified themselves as Armenian, the Governor's ethnic background, but there was no separate code for this group.<sup>15</sup>

71% of the Senate appointees were Caucasian; 6% were Asian/Pacific Islander; 5% were Latino; and 2% were African-American. 15% were not identified by ethnicity.

59% of the Speaker's appointments were Caucasian; 17% were African-American; 9% were Hispanic; 7% were Asian/Pacific Islander; 1% identified an "other" ethnic category, and the remaining 7% were not identified by ethnicity.

### **• Occupational and educational backgrounds of Gubernatorial appointees**

Information on the occupational and educational backgrounds was obtained for the Gubernatorial appointments only. While this information suffers from a high percentage of missing data, it nevertheless provides some insights into the backgrounds of the men and women who received state appointments. Percentages in the following discussion are based on a total of 2330 appointments, including 1682 men and 648 women.

11% (260) of the appointees were self-employed -- 12% of the male appointees and 9% of the female employees. Information on self-employment was not available for 38% of of the 2330 appointments.

17% (407) of the appointees worked in the public sector, and this percentage was approximately the same for both male and female appointees. 39% (906) overall worked in the private sector -- 42% of the male appointees and 31% of the female appointees. Only 2% (49) of all appointees reported working for public interest organizations, including 2% of the male appointees and 3% of



the female appointees. Information on employment in the public or private sector was not available for 38% of the 2330 appointees.

Women comprised 24% of the appointees that reported they were attorneys, or 23 out of 97. Women held 21% (84) of the 406 positions reported in administration, 23% (35) of the 151 reported in the medical profession, and 40% (41) of the 102 reported in education. Occupational information was missing for 39% of the population.

21% of all appointees were college graduates, including 20% of the women and 22% of the men. We found that a higher proportion of women (30%) than men (20%) had completed some college, while a higher proportion of men (35%) than women (26%) had obtained graduate degrees. Information on the appointee's level of education was not available for 21% of the population.

There appear to be differences between men and women in educational backgrounds, though any conclusions are tempered by the fact that information on educational background was not available for 38% of the women and 37% of the men. 1% of the women had educational backgrounds in agriculture, 4% in law, 4% in math or science, 9% in medicine, and another 9% in business. 11% of the women appointees reported an educational background in both liberal arts and in education, while 13% reported an educational background in the social sciences.

The educational backgrounds of the male appointees differed, with 14% reporting business, 10% medicine, 10% science or math, 8% social science, 6% agriculture, 4% liberal arts, and 3% education.

While the above information on employment and education is not conclusive, it does suggest that men and women either self-select and/or are recruited from very different educational and professional backgrounds.<sup>16</sup>

### **• Women less likely to be married**

Information on marital status was either not available or not reported for 21% of the board members. 75% reported being married, with a greater proportion of men (80%) than women (65%). A greater proportion of women did not report marital status (30%) than did men (17%).

Research on elected men and women has demonstrated that women are less likely to be married than elected men.<sup>17</sup> The above results on appointees, while inconclusive, may add evidence that the political role for women, even in an advisory capacity, may be more difficult to combine with the roles of wife, mother and/or professional. It could also be that marital status is a more sensitive characteristic for women, and they may simply be more unwilling to report it.<sup>18</sup>

## **Discussion of Results on State Appointments**

Despite more than a decade of public noticing, the proportion of women on statewide boards and commissions has not reached their percentage in the population. In fact, women did not reach parity representation on any type of board. The problem of under-representation appears to be particularly acute on boards where women have not traditionally been employed.

Other more subtle findings warrant further attention. Women were appointed to a slightly smaller share of salaried positions than they were to boards receiving expenses and/or per diem or no compensation at all.

Women were more likely to hold advisory positions than regulatory positions, while men were more likely to hold regulatory positions than advisory. A higher proportion of male appointees held positions on boards requiring Senate confirmation.

Women of the opposite party from the appointing authority appeared to be the group least likely to be appointed. Men of the same party as the appointing authority received the lion's share of appointments.

Although 25% of the population did not report ethnicity, there is a strong likelihood of significant Latino under-representation. Compared to women in other ethnic groups, African-American women came the closest to parity with their male counterparts.

Finally, information on the Governor's appointments suggests that men and women may be recruited from different educational and occupational backgrounds.



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## SECTION TWO

### REPRESENTATION OF WOMEN ON LOCAL BOARDS AND COMMISSIONS

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#### Selecting Cities and Counties to Study

Limited resources dictated that every city and county in the state could not be analyzed, and that a representative sample had to be selected.

Unfortunately, discussions with researchers at the League of California Cities, the County Supervisor's Association of California and many academic institutions made it clear that no standard practice existed for selecting a sample of local jurisdictions.

Moreover, it was determined that the practice of *random* sampling, common in most social science research, would not be completely appropriate. As Fred Springer, a professor of political science at the University of Missouri, so succinctly stated, "In this kind of study, you can't afford *not* to include Los Angeles!"<sup>19</sup> The implication is that a purely random sample could, by chance, exclude major political, cultural and economic centers of the state.

Consequently, a method for selecting a sample had to be adopted that would take into account the political, as well as the theoretical and methodological concerns of the study. This approach, called "stratified sampling," selects cities or counties not simply at random, but perhaps more importantly, based on their size, nature or political impact.<sup>20</sup>

The first decision was to include **high population cities** in order to evaluate the appointment process *as it affects most Californians*. By including high population cities and counties, we can examine the dynamics of representation for more than a majority of the population. **Including the six highest population counties evaluates levels of representation for 60% of the state's population, while the top six cities encompass 30% of the state's population.**<sup>21</sup>

The remainder of the sample was selected based on whether or not the cities or counties could be described as "urban" or "non-urban." It was felt that cities and counties should be chosen with some sensitivity to the different political systems, work profiles, and family systems that may be operative in urban and non-urban areas.

Using Census Bureau definitions, an urban county was defined as any county which was a component of a "metropolitan statistical area."<sup>22</sup> Not including the six high population counties, there were 26 urban and 26 non-urban counties.

An urban city was defined as any incorporated municipality that was included, in whole or in part, in an "urbanized area," as defined by the Census Bureau.<sup>23</sup> Any city not included in the urbanized area became a "non-urban city." There were 247 urban cities (not including the 6 high population cities) and 169 non-urban cities out of a total of 422 cities incorporated at the time of the 1980 census.<sup>24</sup>

After determining which cities and counties were urban and non-urban, a sample was randomly selected from each group, proportional to the total number within each category.<sup>25</sup>

### **18 counties and 24 cities were selected for study:**

#### **COUNTIES (18)**

##### High-Population (6)

Alameda  
Los Angeles  
Orange  
San Bernardino  
Santa Clara  
San Diego

##### Urban (6)

Butte  
Fresno  
Kern  
Riverside  
Santa Barbara  
Sonoma

##### Non-Urban (6)

Calaveras  
Inyo  
Lassen  
Madera  
San Luis Obispo  
Sierra

#### **CITIES (24)**

##### High Population (6)

Long Beach (Los Angeles)  
Los Angeles (Los Angeles)  
Oakland (Alameda)  
San Diego (San Diego)  
San Francisco (San Francisco)<sup>26</sup>  
San Jose (Santa Clara)

##### Urban (10)

Compton (Los Angeles)  
El Cerrito (Contra Costa)  
Gardena (Los Angeles)  
Rocklin (Placer County)  
Salinas (Monterey)  
Santa Barbara (Santa Barbara)  
San Bernardino (San Bernardino)  
San Clemente (Orange)  
San Rafael (Marin)  
Redlands (San Bernardino)

##### Non-Urban Cities (8)

Holtville (Imperial)  
Kingsburg (Fresno)  
Ojai (Ventura)  
Palmdale (Los Angeles)  
Portola (Plumas)  
Sonora (Tuolumne)  
Turlock (Stanislaus)  
Willows (Glenn)

## **Collecting and Coding the Data**

Once the sample was selected, a letter was sent out requesting that Clerks of the Board of Supervisors and City Clerks provide an updated copy of their board and commission registries. In addition, Clerks were asked to note if the appointees were elected officials, city or county staff, or, in the case of "gender-neutral names" such as Kim or Chris, whether the individual was male or female.

The response rate for the study was 100%. We attribute this rare rate of response to three factors. First, the participating cities and counties displayed considerable cooperation and interest in the study. Secondly, follow-up calls were placed to each jurisdiction within two weeks of mailing the letter. And finally, the sponsorship of the Senate was undoubtedly a key factor in communicating the importance of the research effort.

All of the cities and counties forwarded copies of their registries, but all did not identify gender-neutral names. All of the data was collected within a period of two months.<sup>27</sup>

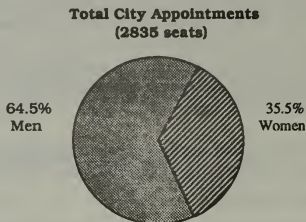
Once the information had been collected, we proceeded to code. For city appointees, calls were placed to individuals identified as staff contacts in order to determine if the board members with gender-neutral names were male or female. An analysis of the identified names showed that approximately the same number of men and women had gender-neutral names. Consequently, in analyzing the county data, where phone calls to identify the gender-neutral names would have been in the hundreds, the data was analyzed without the gender-neutral names.<sup>28</sup>

Appendix C provides the code book which may be of use for similar studies.

## Results of the Research on City Boards

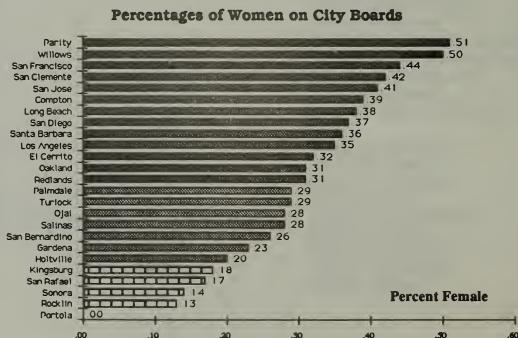
### • Women received just over one-third of all city appointments

Based on the results of the 24 cities in the sample, we found that women received just over one-third (35.5%) of all appointments, or 1007 out of a total of 2835 seats.<sup>29</sup> This difference was not a result of sample fluctuations, but represents a significant difference from women's 51% representation in the general population.<sup>30</sup>



### • Significant variation in City appointments

Percentages varied for each of the 24 cities examined — from a low of 0% for the City of Portola to highs of 44% for the City of San Francisco and 50% for the City of Willows. The table below arrays the percentages of women appointed to boards and commissions for each city. It should be recalled that these data were collected during a two month period in July and August in 1988. While these percentages may or may not reflect the current representation of women, the research provides an accurate snapshot in time and an appropriate database for comparing the different jurisdictions.<sup>31</sup>



- **Board-type affected the appointment of women**

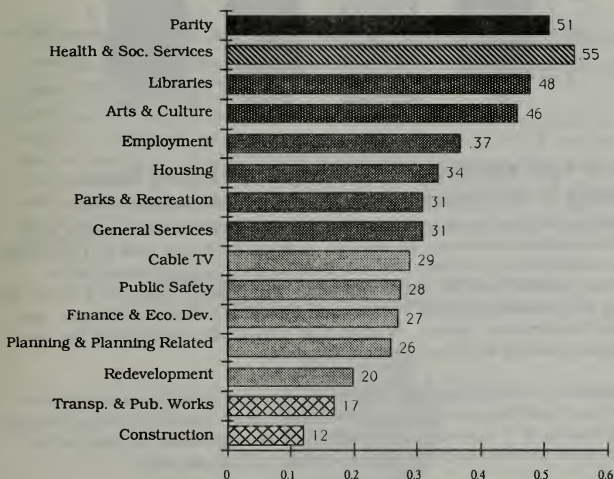
The appointment of women varied significantly depending on the type of board. We analyzed women's appointment to types of boards independent of the city of appointment, and found that only 1 out of 14 board types had more than 51% representation of women.<sup>32</sup>

- **Women only reached parity on two types of board**

It was only in the area of health and social services that the percentage of women appointed was more than 51%. However, statistical tests showed that the appointment of women to social service boards was not *significantly* different from 51%, nor was the appointment of women to library boards.<sup>33</sup>

Women's representation on all other board types was significantly less than 51%.<sup>34</sup> The table below provides the percentages of women appointed to each of the analyzed board-types.

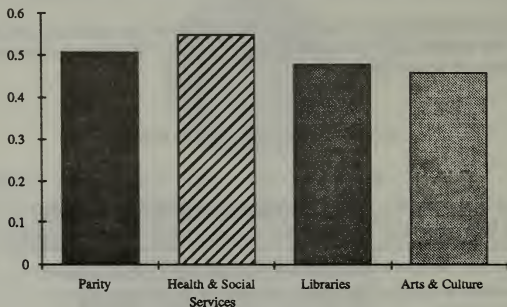
**Percentage of Women on City Board-types**



- **Women had highest representation on boards dealing with subject areas of women's traditional employment**

In addition to the majority appointment of women on health and human service boards, we found that 48% (32/66) of the appointments to library boards and 46% (169/368) of the appointments to arts and culture boards were women.

**Percentage of Women Appointed to City Boards Advising in Women's Traditional Employment Areas**



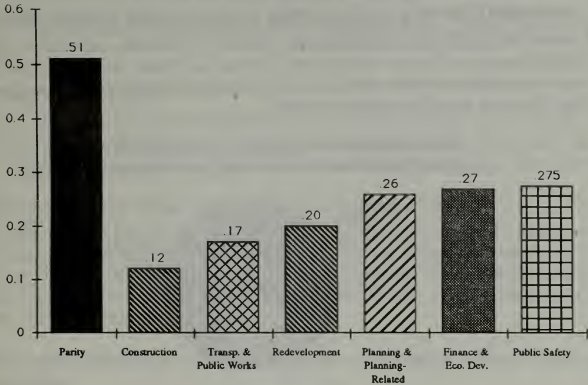
- **Women were significantly under-represented on boards advising in women's non-traditional employment areas**

City boards with the lowest percentage of female representation were in non-traditional employment areas for women. Women held only 12% (8/66) of the seats on construction boards, 17% (43/249) on the transportation/public works boards, 20% (15/76) on the redevelopment boards, 26% (72/278) on the planning and planning-related boards, and 27% (63/236) on the finance and economic development boards. Women held only 27.5% (33/120) of the appointments advising in the area of public safety.

It is important to remember that despite the fact that these boards deal with areas of non-traditional employment for women, they typically have an average of 7 to 9 members.<sup>35</sup> It is hard to imagine that an aggressive outreach effort could not find qualified and interested women to fill these slots.



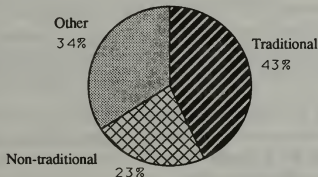
**Percentages of Women Appointed to Boards in  
Non-Traditional Employment Areas**



- **Women were almost two times as likely to be appointed to social service, library, and arts and culture boards than to fiscal and development boards**

We found that women were almost two times as likely to be appointed to boards in *traditional* employment areas (social service, arts & culture, libraries) than to boards that deal with *non-traditional* employment areas (construction, transportation/public works, redevelopment, planning, finance and public safety). 43% of all women were appointed to traditional employment boards, but only 23% of all women were appointed to non-traditional employment boards.

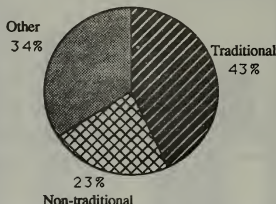
**Percentage of Women Appointed to Boards Advising  
in Women's Traditional & Non-Traditional Employment Areas**



- **Men more likely to be appointed to fiscal or development boards than to social service and arts and culture boards**

In stark contrast to the appointment pattern of women, only 23% of all male appointees served on social service, cultural or library boards, while 43% of all male appointees served on construction, transportation/public works, planning, finance, or public safety boards.

**Percentages of Men Appointed to City Boards Advising  
in Men's Traditional and Non-Traditional Employment Areas**



- **Excluding social service seats, women held 32% of city board appointments**

When all appointments to city boards and commissions were analyzed, *excluding* seats on health and social service boards, we found that women held only 32% of the seats. This percentage dropped further to 31% when women's rights commissions were subtracted from the total.

- **Women may not be appointed to power boards**

Women's limited appointment to planning boards (26%) is of particular interest. Given the strong representation of women in the real estate profession and their traditional involvement in neighborhood associations, one would be hard pressed to argue that qualified women were not available for planning commission positions.

A more likely explanation is that planning commission appointments are highly competitive, and, viewed as "political plums," are passed on to political insiders. Land use is a bread and butter issue for local government, and planning commission positions are often seen as launching pads for political office.

Indeed, a survey of 12 local jurisdictions (8 cities, 4 counties) found that **planning commissions were the only boards uniformly identified as "power boards" by all jurisdictions.**<sup>36</sup> As one interviewee stated, planning commissions "make decisions which have great economic and environmental



implications for *many* people."

Thus, it may be that women's limited appointment to planning commissions is related to the fact that these important commissions are considered "power boards."

## **City Characteristics**

The study of appointments to local boards and commissions also afforded an opportunity to examine how some structural variables, such as population, ethnic population and party registration, impact the appointment of women.

### **• Higher population cities more likely to appoint women**

Higher population cities were significantly more likely to appoint women to boards than were lower population cities ( $s = .55$ ;  $p = .005$ ).<sup>37</sup> While the explanation is not clear, it could be that these jurisdictions are more likely to have political organizations and expectations that would call for balanced and representative advisory boards.

### **• Higher representation of women in cities with higher African-American populations**

We found that the percentage of women on city boards was significantly and positively associated with the percentage of African-American citizens in the population ( $s = .44$ ;  $p = .03$ ). The same effect was nearly significant for higher Asian/Pacific Islander populations, but was not found for the percentage of Latinos or for the total ethnic population.<sup>38</sup>

### **• Party registration had no impact**

The percentage of Democrats or Republicans in the cities was not significantly related to the percentage of women appointed to boards and commissions.<sup>39</sup>

### **• More women in office correlated with more women on boards**

The percentage of women elected to the community's city councils in 1982 was positively and highly correlated with the number of women serving on boards and commissions ( $s = .73$ ;  $p < .0001$ ). Thus, cities with a higher percentage of women serving on their city councils were more likely to have a higher percentage of women appointed to boards and commissions.<sup>40</sup>

The percentage of women on city councils in 1988 was *not* correlated with the number of women on boards in 1988. This is most likely explained by the fact that appointments generally run in two to four year cycles, and it takes several years for the appointing authority to have an impact on the composition of the city boards.<sup>41</sup>

## **Discussion of City Results**

As with state appointments, the results from the research on city boards and commissions demonstrates that public noticing has not led to a "level advisory field." While women reached parity on boards in the areas of health and social services and libraries, most board-types, particularly in advisory areas outside of women's traditional employment, had significant under-representation of women.

Characteristics of the cities themselves were associated with the appointment of women. Taken together, it appears that urban characteristics -- higher population and higher African-American populations -- had a positive association with the increased appointment of women. A final, important finding is that cities with more women in elected office in 1982 tended to have a higher percentage of women appointed to boards and commissions in 1988.

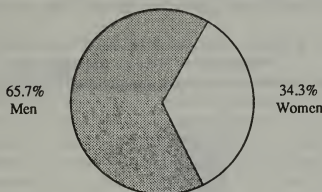
## Results of the Research on County Boards

For the 18 counties analyzed, there were a total of 7,649 board and commission appointments. Information on gender was available for 7,417 positions, or 97% of the appointees. Data were analyzed using only those positions for which we had information on gender.<sup>42</sup>

- Women held 34.3% of all county appointments**

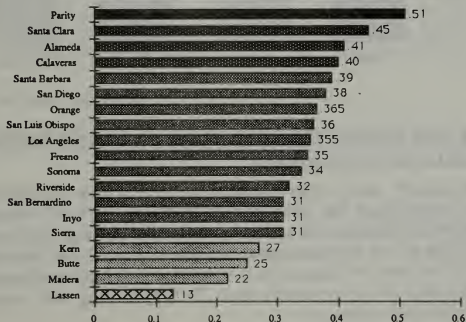
Women appointees comprised 34.3% of the total appointees where gender was identified, or 2,545 of the 7,417 appointments.<sup>43</sup> Women's representation on county boards was significantly below their representation in the population.<sup>44</sup>

**Total County Appointments  
(7417 seats)**



- Counties varied significantly in their appointment of women**

**Percentages of Women Appointed to County Boards**

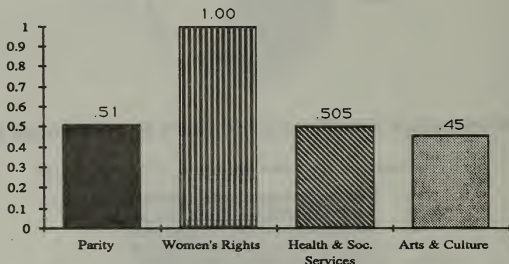


- **Women reached or approached parity only on boards advising in areas of women's traditional employment**

In examining the type of boards on which women serve, the counties displayed a pattern similar to that of the cities. With the exception of women's rights boards which had 100% female representation (137/137), health and social services was the only board-type with nearly 51% female representation; 1,031 out of the 2,040 appointees were women, or 50.5%.

As with the cities, women were more likely to have representation nearing parity on boards advising in areas of women's traditional employment. The appointment of women to art and culture boards was at the 45% level, or 174 out of 385 seats. Women held 39.5% of the parks and recreation seats (64/162), and 37% of the education positions (32/86). However, statistical tests indicated that women's representation was below their percentage in the population on all but the women's rights boards and the health and social services boards.<sup>45</sup>

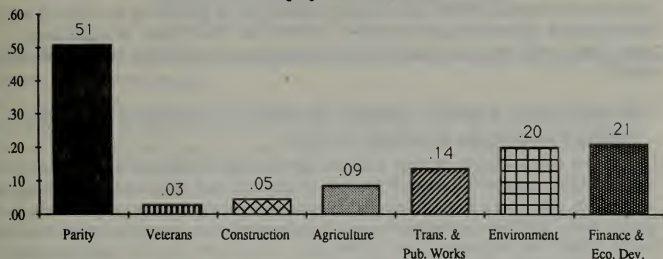
**Percentage of Women Appointees to  
County Boards in Women's Traditional Employment Areas**



- **Women had limited representation on boards outside areas of traditional employment**

In contrast to their parity representation on health and social services boards, women held only 5% of the construction positions (6/117), 9% of the agricultural positions (26/297), 14% of the transportation and public works seats (71/507), 20% of the positions on environmentally-related boards (37/188), and 21% of the seats on finance and economic development boards (89/426). Women held only 3% of the board seats (5/147) dealing with veteran's issues and veteran's building issues.

**Percentages of Women Appointed to  
County Boards Advising in Women's Non-Traditional  
Employment Areas**



- Few women found on district boards, more on inter-jurisdictional boards**

Women's representation on inter-jurisdictional boards — where appointments to the board are made by more than one jurisdiction — was much higher than on boards where members had specific geographic or regulatory authority. Women's representation on inter-jurisdictional boards was at 37% (180/490), while their representation on appointed district or service area boards was at 25% (141/575).<sup>46</sup>

- Representation of women reduced to 28% when social service boards excluded**

Excluding health and social service positions, we found that women's representation was reduced to 28%. By removing the women's rights boards, we found that women's representation was barely over one-quarter of the seats — 26%.

## **County Characteristics**

- More women on boards in counties with high population and high income**

As with the cities, the size of the county's population was positively associated with increases in the representation of women on the community's boards and commissions ( $s=.54$ ,  $p<.02$ ). Unlike the cities, increases in the median income level of the county were also associated with increases in the county's female board representation ( $s=.78$ ;  $p=.0001$ ).

- **More women in counties with higher Asian/Pacific Islander populations**  
Increases in Asian/Pacific Islander population were positively correlated with female board representation ( $s=.63$ ;  $p<.0005$ ), but there was no significant association with the size of any other ethnic group, including African-Americans.<sup>47</sup>

- **No association between women's appointed representation and the county's percentage of elected women**

Unlike the cities, counties with a higher percentage of elected women did not have a higher *appointed* representation of women, but this could have been due to the fact that there is such limited female representation among county supervisors, and as a consequence, limited variation to correlate with changes in the appointed representation of women. It is interesting to note that only one county, Santa Clara, had 3 female supervisors out of 5 in both 1982 and 1988, and this is also the county with the highest representation of appointed women.<sup>48</sup>

- **Voter's party affiliation had no association with appointment of women to boards**

As with the cities, the percentage of registered Democrats or Republicans had no correlation with the representation of women on boards and commissions.<sup>49</sup>

## **Discussion of County Results**

As with state and city appointments, there appears to be significant under-representation of women on county boards, with the exception of the health and social services boards. Women were few and far between on boards advising in their non-traditional areas of employment.

As with the cities, urban characteristics, in this instance population, income, and Asian/Pacific Islander population, had a positive association with increased numbers of women on boards and commissions. However, no association was found between the percentage of women on county boards in 1988 and the percentage of elected women serving in either 1982 or 1988.



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### **SECTION THREE**

### **CONCLUSIONS AND DISCUSSION**

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#### **Appointment of women significantly less than 51% for all three levels of government**

Women's appointment to statewide, county and city boards and commissions was significantly less than 51%, their proportion in the general population. Women's participation on statewide boards was only 27.6% for the 3044 appointments made by the Governor, the Senate Rules Committee or Senate Pro Tempore of the Senate, and the Speaker of the Assembly.<sup>50</sup> A representative sample of 24 cities and 18 counties found that women held approximately one-third of the board seats in cities and counties: 35.5% in the cities and 34.3% in the counties.

#### **State Appointments**

At the state level, women did not reach parity, or 51%, on any board-type. The highest representation was on health and social services boards (41%), followed by education boards (35%).

Participation on state boards was particularly low on boards advising in fields where women have not been traditionally employed. Women held only 10% of the public safety appointments, 11% of the transportation and public works appointments, 19% of the appointments to boards dealing with environmental and natural resources issues, 20% of the appointments to tourism boards, and 21% of the appointments to boards advising on finance and economic development.

We also found that women were somewhat less likely to hold salaried positions. Overall, women held 26% of the board positions receiving no compensation and 27% of the positions providing expenses or per diem, but 22% of the positions receiving salaries.

Men were more likely to hold regulatory positions (50%) than they were to hold advisory positions (44%), while women were more likely to hold advisory positions (47%) than they were to hold regulatory positions (44%).

Compared to men, women had a somewhat reduced opportunity to be appointed to boards requiring Senate confirmation. 24% of all male gubernatorial appointees held positions requiring Senate confirmation, compared to 20% of all women appointees.

The appointee's political party appears to affect the likelihood of appointment.



The percentage of male Republican appointees was more than two times their representation in the voting population. In stark contrast, the percentage of Democratic female appointees was one-fifth their representation in the voting population. Republican men received 48% of all statewide appointments; Republican women received 20%; Democratic men received 14%; and Democratic women received 5%.

It appears that women from the opposite political party of the appointing authority, be it Democratic or Republican, had the least likelihood of being appointed. 60% of the Republican Governor's appointments were Republican men and 25% were Republican women, while only 9% of his appointments were Democratic men and 2% were Democratic women. 47% of the Democratic Speaker's appointments were Democratic men; 26% were Democratic women; 12% were Republican men; and 3% were Republican women. Party information was not available for 4% of the Gubernatorial appointments and 12% of the Speaker's appointments. Reliable information on political party was not available for Senate appointments.

While ethnic information was not available for 26% of the population, 57% of all appointments were Caucasian, 7% were Latino, 5% were African-American, and 4% were Asian/Pacific Islander.

Caucasian women and Latinas had 27% of the appointments held by their ethnic group, while Asian/Pacific Islander women had 35%. African-American women were the nearest to parity with their male counterparts, holding 41% of the appointments by their ethnic group.

### **Local Appointments**

In our sample of 24 cities, we found that women reached parity participation on only two types of boards -- health and social services and libraries. Women's participation on arts and culture boards neared parity at 46%, but statistically, was significantly less than 51%.

As with state appointments, women's representation on city boards advising in non-traditional employment areas was much lower than their appointment to boards advising in traditional employment areas. Women were almost two times as likely to be appointed to city social service, library, and arts and culture boards than to fiscal and development boards. The opposite held true for men.

In our sample of 18 counties, 100% of the appointments to women's rights boards were women. Health and social service boards were the only other board-type where women's participation was at parity. All other board-types had below-parity representation.

For both cities and counties, we found that increases in population were significantly and positively associated with the appointment of women. More women were also appointed in cities with higher African-American populations and in counties with higher Asian/Pacific Islander populations. The percentage of Democratic or Republican voters in the communities was not associated with the percentages of women on boards and commissions. Cities with a higher percentage of women elected in 1982 had a higher percentage of women in appointed office, but this association was not found for the counties.

## **Future Directions**

The California Board and Commission Project represents a one-time analysis of the appointment of women to statewide and local boards and commissions. Additional research would enable the appointing authorities to track their progress over time.

- **Methodology established for ongoing tracking of appointments**

Several products have resulted from this project that would assist with further research efforts. To begin with, a methodology has been established to sample cities and counties. In addition, codebooks have been developed to analyze various characteristics of the boards, including the different types of boards, a characteristic found to have significant impact on the appointment of women.

- **Adoption of a common information format would assist future research**

Future research efforts would be assisted by the adoption of a common format for the collection of information on statewide and local appointees. As it currently stands, every jurisdiction develops its own format or computer program to maintain its records. The adoption of a common format would systematize the information collected. It would also be valuable to conduct a thorough review of the statewide and local registries to ensure that they include the information mandated by law.

- **Consider research on applicants as well as appointees**

Appointing authorities, with minimal set-up time and cost, could develop reporting forms that would allow them to collect information on the pool of *applicants* as well as the appointees.<sup>51</sup> Thus, information could be gathered to determine if the low percentages of appointment are due to low *application* rates and/or low *appointment* rates. Strategies could then be developed to increase outreach and/or to attend to the composition of boards when the appointment process is underway.

- **Models exist for increased institutional commitment to gender-balanced boards**

During the course of this study, it became clear that different jurisdictions place different priorities on the importance of gender-balance on their boards and commissions *and* the degree that they dedicate resources to accomplish this goal.

Several communities have established in-house outreach programs to solicit the applications of women and minorities. For example, the City of Visalia applied its affirmative action policies to their boards and commissions, and conducted a study of the representation of women and minorities. Their Director of Voluntary Services works actively to publicize and conduct outreach for board and commission vacancies.<sup>52</sup>

The County of San Diego has a Community Involvement Office under the jurisdiction of the County Administrator's Office which tracks appointments and makes official reports on age, ethnic and gender-balance.<sup>53</sup>

The Commission on the Status of Women in the City and County of San Francisco makes available "How to Get that Appointment," an impressive publication that educates interested individuals on the details of the appointments process, in addition to providing background information on the community's boards and commissions. The handbook is a successful example of a public-private partnership in that Chevron U.S.A. provided a corporate grant to publish the handbook.<sup>54</sup>

Other appointment projects throughout the country, most notably the New Jersey Bipartisan Coalition for Women's Appointments<sup>55</sup> and the national Coalition for Women's Appointments sponsored by the National Women's Political Caucus and other national women's organizations, are examples of non-governmental organizations that have monitored the appointment of women and worked with the appointing authorities to recruit candidates.

Finally, the American Association of University Women has successfully proposed legislation that would require gender-balance on boards and commissions. Such a law was passed in the State of Iowa, and legislation is pending or under consideration in at least ten states throughout the country.<sup>56</sup>

## **CONCLUSION**

It is hoped that the research produced by the California Board and Commission Project and the resulting discussion will contribute to the Legislature's goal of providing equal "opportunity to participate in and contribute to the operations of . . . government."<sup>57</sup>

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## SECTION FOUR

### FOOTNOTES

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1. de Cervantes, M. Don Quixote, Part I, Book IV, Chapter 7, Page 322, Modern Library Grant Edition. Referenced in: Bartlett, J.; Familiar Quotations; Little, Brown & Company; Boston-Toronto; 1955; p. 106b.
2. Government Code, Section 12033.1.
3. Government Code, Section 54970(d).
4. Ms. Julia Brootkowski provided invaluable research assistance and was supported by a training grant from the Public Research and Dissemination Program at the University of California at Davis. Professor Noreen Dowling is the Director of the Program.
5. 3044 appointments to state boards and commissions were analyzed. Not included in this analysis were Gubernatorial appointments to County Boards of Supervisors. All analyses were in the form of percentages. Statistical tests were not necessary because the entire population, not a sample, was under study.

Based on information provided in the Index of the 1988 Central Registry, the Governor appointed to 318 boards. The Senate Rules Committee and the Senate Pro Tempore and the Speaker of the Assembly appointed to 178 boards (of which 37 are not listed as having Gubernatorial appointments.) Thus, there appear to be approximately 355 boards and commissions to which the Governor, the Senate Rules Committee and Senate Pro Tempore, and the Speaker of the Assembly appoint. (This is an approximate figure in that the Registry included the vast majority, but not all of the boards and commissions listed in the records provided by the appointing authorities.)

6. Included in this analysis were all board-types that "captured" at least 75 appointees. See Appendix B for the specific coding categories.
7. The Demographic Research Unit of the California State Department of Finance projected that as of July, 1988, there were 14,115,306 women out of a total of 27,847,242 million residents in California. The proportion of women is 51%, the parity figure used in this report. This data is unpublished background material for "Population Projections for California Counties: 1980-2020 with Age/Sex Details to 2020" which is published by the Demographics Research Unit, Department of Finance. See Report #86 P-3, December 1986.
8. Information on compensation was derived from the Central Registry located at the Office of the Secretary of State in Sacramento, California.
9. Boards were coded as regulatory, advisory, quasi-judicial, other, or no information. Only 22 positions were coded quasi-judicial of which 5, or 22.73%, were held by women.

Information on the purpose of the board was derived from the Registry at the Office of the Secretary of State in Sacramento, California. The codes were reviewed and some of the missing information was provided by The Office of the Governor. Thanks are extended to Bella Meese, Deputy Appointments Secretary in the Office of the Governor, for contributing to this effort.

10. Only the Governor's appointments require Senate confirmation. Information was missing for 3 of the Governor's appointees, or .1% of the data.
11. Percentages are based on a Field Institute survey released on Monday, February 1, 1988 in Release #1420 and information provided from a phone conversation with Managing Editor Mark DiCamillo.

Release #1420 reports party identification in the state at 45% Democrat, 45% Republican, and 10% other. Voter registration figures from the same release estimate Democratic registration at 49%, Republican at 41% and 10% other.

These figures were interpolated using the following information from the Field Institute's working documents: Party identification for Democrats breaks down 45% male and 55% female. Party identification for Republicans: 51% male and 49% female. Voter registration for Democrats includes 44% male and 56% female; for Republicans — 48% male and 52% female. These estimates are aggregate percentages based on six Field surveys completed in 1988.

The California Board and Commission Project provided the reader (on page 9) with the interpolated percentages for *voter registration*, as it was reasoned that board applicants are most likely to refer to their party registration when dealing with a governmental appointing authority.

The percentages for *party identification* is as follows: Democratic men - 20%; Democratic women - 25%; Republican men - 23%; Republican women - 22%.

12. "Projected Total Population for California by Race/Ethnicity: 1970 - 2020 with Age/Sex Detail for 1980-2020." Demographics Research Unit, Department of Finance; February, 1988; Report 88 P-4. The terms Latino and African-American are used in this report in that they are the preferred usages by the two groups.
13. 1980 Census of Population and Housing: A Summary Tape, File #1, Bureau of the Census, U.S. Department of Commerce.
14. It is worth reiterating that the high proportions of unreported ethnicity make comparisons between the appointing authorities inappropriate.
15. Each of the individuals coding the information on Gubernatorial appointees made unsolicited reports on the number of appointees who self-identified as Armenian.
16. Specific information on the backgrounds of the applicants can be useful in identifying directions to renew or expand recruitment efforts.
17. Carroll, Susan J., and Strimling, Wendy, S. "Women's Routes to Elective Office: A Comparison with Men's." Center for the American Woman and Politics, Eagleton Institute of Politics, Rutgers — The State University of New Jersey, 1983, page 24.
18. The Demographic Research Unit at the California State Department of Finance reports that approximately 55% of both men and women over the age of 15 in the state report being married. Thus, it could be that the appointee population, particularly male appointees, is more likely to be married.
19. Personal communication, Fred Springer.



20. See Snedecor, George and Cochran, William, *Statistical Methods*, The Iowa State University Press, 1967, pages 520-527, for a discussion of stratified sampling. Thanks to Professor Greg Guagnano, from the Department of Applied Behavioral Sciences at the University of California, Davis, for his time and advice on the statistical analysis. Thanks are also extended to Professor Karen Thiel from the University of Southern California for her advice and interest.
21. Percentages are based on 1987 population estimates from the "Ranking of Cities by Total Population," provided by the Population Research Unit, Department of Finance.
22. See "Component Counties of Metropolitan Statistical Areas by State, Appendix 5, October 1984," in the State and Metropolitan Area Data Book, 1986, U.S. Department of Commerce, Bureau of the Census. This Appendix provides a list of California counties that were components of metropolitan statistical areas.
23. See Table 13, "Population of Urbanized Areas: 1980 and 1970," in 1980 Census of Population, Volume 1, Chapter A, Part 6 — California, U.S. Department of Commerce. This Table provides a list of all cities in urbanized areas in California.
24. Cities incorporated since 1980 were not included because their political and bureaucratic climates can be significantly different from cities with longer civic identities and histories.
25. While the contract with the Senate Rules Committee required the evaluation of 36 communities, the design of the research was best suited by including 42 local communities.

In addition to the 6 high population counties, 6 urban counties were selected from a total of 26 and 6 non-urban counties were selected from a total of 26.

In addition to the 6 high population cities included in the sample, 10 urban cities were chosen from 277, while 8 non-urban cities were randomly selected from the sub-sample of 169.

26. Based on the advice of Professor Al Sokolow at the University of California, Davis, the City and County of San Francisco was treated as a City for the purposes of this study. Both Mayoral and Board of Supervisors appointments were included in the study.
27. All of the cities and counties responded within two months to the Project's request for their local registries. There was, however, some variation in what information was provided. Cities and counties are required by law to update their registries by the end of the calendar year. While most of the jurisdictions provided an additional update for the Project in July, about 5 communities provided the lists that had been updated the previous December.
28. Out of a total of 7649 total county appointments, there were 232 appointees with names that could not be identified by gender. This represents 3% of the entire county appointment population.

In the sample of cities, the gender-neutral names were identified through phone calls. The names were then analyzed for three cities — San Jose, Santa Barbara, and Gardena — to determine the resulting percentage of identified males and females. 51% of the gender-neutral names were men, 49% were women.

29. The percentage of women on city boards was estimated in the same manner as that for state boards — by taking the total number of women serving on city boards and dividing it by the total number of appointees.

There are other estimates of women's participation which provide less flattering views of their appointive representation. After the overall percentage of women for *each* city is estimated, the average mean for all of these city percentages is 29.2%. The *median* for these percentages of women on boards for the 24 cities is 30.2%.

30.  $\chi^2 = 272$ ;  $p < .001$ . All Chi-squares are based on a comparison of the sample's percentage of women with the 51% proportion expected in the general population.
31. Please see the notes on coding included in Appendix C.
32. The analysis of board types was conducted for board types that "captured" at least 50 appointees or more, resulting in an analysis of 14 board types.
33. Although the percentage of women on library boards was less than 50% for the sample, the Chi-Square test indicates that there is less than a 5% likelihood that this percentage represents a population mean that is significantly different from 51%.
34. Chi-square tests were conducted for each of the 14 board types, comparing the proportion of women appointed to the *expected* values based on their 51% representation in the population. The tests indicated that women appointees in cities are below parity representation on all but two board types: Health & Social Services and Libraries.

The following Chi-square values were derived: Health & Social Services —  $\chi^2 = 2.7$ ; Libraries —  $\chi^2 = .25$ ; Arts & Culture —  $\chi^2 = 3.9$ ; Employment —  $\chi^2 = 7.4$ ; Housing —  $\chi^2 = 20.1$ ; Parks & Recreation —  $\chi^2 = 35.4$ ; General Services —  $\chi^2 = 9.45$ ; Cable TV —  $\chi^2 = 9.5$ ; Public Safety —  $\chi^2 = 26.1$ ; Finance & Economic Development —  $\chi^2 = 55.1$ ; Planning & Planning-Related —  $\chi^2 = 70.5$ ; Redevelopment —  $\chi^2 = 30.34$ ; Transportation & Public Works —  $\chi^2 = 113.4$ ; Construction —  $\chi^2 = 41.01$ .  $p_{.05} = 3.84$ ;  $p_{.01} = 6.635$ .

35. For cities, the average board size was about 7 members, as determined by dividing the average total seats for each city by the average number of boards. Using the same method, the average county board size was 9.
36. Individuals in 8 cities and 4 counties were interviewed to determine their impressions as to which boards in their communities were the "power boards." Interviews were conducted in the following randomly selected cities: Oakland, San Diego, San Rafael, San Francisco, Santa Barbara, San Jose, Gardena, and Palmdale. Interviews were also conducted in the following randomly-selected counties: Calaveras, Fresno, San Luis Obispo, and Sonoma. The individuals interviewed in each jurisdiction were either an elected representative (randomly selected) or their Administrative Assistant -- if the individual had worked in local government for at least one year. The respondents were first asked to provide their observations about power boards, and they were subsequently asked to rate the degree that certain boards were powerful in their communities.
37. The Spearman correlation, which correlates the rank orders of the variables, was the appropriate statistical test due to the small sample size. The percentage of women on city boards was correlated with various socio-economic indicators, such as population, as reported in Fay, J. California Almanac - 3rd Edition, Pacific Data Resources, 1987. A significant correlation was found for population, but none was found for 1985 per capita income:  $s = .24$ ;  $p = .25$ .



38. There was no significant correlation between the proportion of Asians/Pacific Islander residents in the community and the percentage of women on city boards ( $s = .38$ ;  $p = .07$ ); nor for Latinos ( $s = .12$ ;  $p = .57$ ); nor for the total percentage of ethnic population ( $s = .13$ ;  $p = .5$ ).
39. The percentage of women on city boards was not significantly correlated with the percentage of Democrats in the community ( $s = .01$ ;  $p = .94$ ), nor with the percentage of Republicans in the community ( $s = -.09$ ;  $p = .67$ ).
40. This is one of the most important findings in the study. Researchers in the area of women and politics have long been interested in whether or not women in elected office have impacts different from their male counterparts. This finding suggests that elected women do have an impact on the political system by bringing more women into the public advisory process. When women are elected to city councils, the proportion of women on boards and commissions is higher.
41.  $s = -.25$ ;  $p = .32$ .
42. Recall that a survey of the gender-neutral names identified in the study of city appointees revealed that there were approximately the same number of men and women.
43. The percentage of women on county boards was estimated in the same manner as that for state and city boards — by taking the total number of women serving on county boards and dividing it by the total number of appointees.

As indicated in Footnote 29, there are other methods of estimating women's board participation which provide somewhat different results. When the percentage of women for each county is estimated, the *mean* for the county percentages is 32.9%. The *median* county percentage for the 18 counties is 34.5%

44. The Chi-square test of the proportion of women holding county seats compared to their percentage representation in the general population is:  $X^2 = 826.9$ ;  $p < .001$ .
45. County board-types "capturing" at least 100 appointees were analyzed, yielding a total of 17 boards. 15 of these boards were substantive, and two were coded on the basis of structure — inter-jurisdictional boards and districts (non-elected members only).

Chi-square tests were conducted for each of the 15 substantive board types, comparing the proportion of women appointed to the *expected* values based on their 51% representation in the population. The tests indicated that women appointees in counties are below parity representation on all but two board types: Health & Social Services and Women's Rights boards.

The following Chi-square values were derived: Health & Social Services —  $X^2 = .2$ ; Women's Rights Boards —  $X^2 = 131.5$ ; Veterans and Veteran's Buildings —  $X^2 = 133.4$ ; Construction —  $X^2 = 98.6$ ; Agriculture —  $X^2 = 212.2$ ; Environment —  $X^2 = 73.8$ ; Transportation and Public Works —  $X^2 = 277.7$ ; Finance and Economic Development —  $X^2 = 154.5$ ; Cemeteries —  $X^2 = 43.9$ ; Legal —  $X^2 = 37.7$ ; Planning & Planning-Related —  $X^2 = 106.0$ ; Housing —  $X^2 = 38.5$ ; Employment —  $X^2 = 21.8$ . Parks and Recreation —  $X^2 = 8.6$ ; Arts and Culture —  $X^2 = 5.1$ ; Construction —  $X^2 = 99.76$ .  $p_{.05} = 3.84$ ;  $p_{.01} = 6.635$ .

46. Chi-square tests also showed that the proportions of women on both inter-jurisdictional and district boards was significantly below their representation in the general population. For inter-jurisdictional boards:  $X^2 = 39.5$ ; for districts with non-elected members:  $X^2 = 161.3$ .

47. The Spearman correlation between the percentage of Latinos in the county and the percentage of women on county boards was:  $s = .23$ ;  $p = .37$ . For the total ethnic percentage:  $s = .15$ ;  $p = .55$ .
48. The Spearman correlation between the percentage of women on county boards and a) the percentage of elected women in 1982 was:  $s = .14$ ;  $p = .59$ ; and b) the percentage of elected women in 1988 was:  $s = -.25$ ;  $p = .31$ .

In 1982, 10 of the 18 counties in the sample had no women on their 5 member Boards of Supervisors. 5 counties had 1 woman, 1 county had 2 women (out of a total of 4 at the time of the study). 2 counties had 3 women. No counties had 4 or 5 women on their Boards.

In 1988, 5 counties had no women supervisors, 6 counties had 1 woman supervisor, 4 counties had 2 women supervisors, and 3 counties had 3 women supervisors.

The County of Santa Clara had the highest percentage (45%) of women on boards than any other county in the sample. There were 3 women on the 5 member Board of Supervisors in both 1982 and 1988.

49. The Spearman correlation between the percentage of Democrats in the county and the percentage of women on county boards was:  $s = -.09$ ;  $p = .73$ . For the percentage of Republicans:  $s = .09$ ;  $p = .71$ .
50. Information from the California Almanac indicates that former Governor Jerry Brown appointed women to 29% of this appointments over 8 years. The Appointments Section of the Office of the Governor reported in 1987 that women had been appointed to 26% of Governor Deukmejian's appointments. See Fay, J. California Almanac - 3rd Edition, Pacific Data Resources, 1987, page 276.
51. By examining the applicant pool, appointing authorities can determine whether or not their outreach efforts have successfully attracted a diverse pool of candidates. By comparing demographic information from the applicant pool and the appointed population, the appointing authorities can discern whether or not under-representation is due to limited application or unrepresentative appointments.

Communities have typically evaluated the following applicant characteristics: gender, ethnicity, and age. It was never observed that disability was analyzed as an applicant or appointee characteristic.

52. The City of Visalia, at the request of Mayor Collins, conducted a demographic survey of board and commission appointments. Released in February of 1989, the survey showed that women held 44% of all board appointments. The report revealed ethnic balance, but pointed to a need to balance individual committees. For more information, contact: Mr. Ed Jost, Director of Voluntary Services, City of Visalia, P.O. Box 4002, Visalia, CA 93278.
53. The County of San Diego publishes a "Citizen Advisory Committees Cost/Benefit Analysis." There were "48,247.5 hours of voluntary service reported by 824 committee members during FY '86-'87 (which) represents a value equivalent to \$540,098.97 worth of technical, professional and community assistance to the County and Board of Supervisors." (page 3)

The report also provides information on the gender, ethnic and age balance for *each* committee, as well as the overall percentages for the entire committee structure. In 86-87, women held 39% of the seats. Approximately 15% of the seats were held by American Indian, Asian, Black, or Hispanic citizens.

For more information, contact: the Community Involvement Office, County of San Diego, 1600 Pacific Highway, San Diego, CA 92101.

54. The publication provides information on how to apply for state as well as local appointments.

For more information, contact: the Commission on the Status of Women, City and County of San Francisco, 1095 Market Street, Room 409, San Francisco, CA 94103.

55. See Stanwick, K. Getting Women Appointed: New Jersey's Bipartisan Coalition. Center for the American Woman and Politics, Eagleton Institute of Politics, Rutgers—The State University of New Jersey, 1984.
56. A national effort has been spearheaded by Ms. Kappie Spencer of the American Association of University Women to encourage the adoption of legislation and ordinances that would require gender-balanced boards.

Gender-balance legislation is under consideration in at least ten states: Alaska, California, Florida, Kansas, Missouri, Minnesota, New Jersey, North Dakota, Ohio, and Rhode Island. In the State of Iowa, gender balance legislation has already been adopted. At the time this report was being written, California State Senator Diane Watson was circulating draft language for consideration by potential co-authors.

For more information on the A.A.U.W. project, contact Kappie Spencer, Director for Women's Issues, American Association of University Women, 1700 S.W. Bell Avenue, Des Moines, Iowa 50315.

57. Government Code, Section 54970(d).



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## **SECTION FIVE**

### **APPENDICES**

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#### **APPENDIX A**

##### **California Board and Commission Project**

##### **Advisory Board**

##### *Invited Members\**

##### Government Representatives

Senator Rose Ann Vuich  
Chair, Women Legislators Caucus (1988)

Assemblywoman Sally Tanner  
Vice-Chair, Women Legislators Caucus (1988)

California Commission on the Status of Women

County Supervisors Association of California

League of California Cities

##### Women's Organizations

American Association of University Women

Asian Pacific Women's Network

California Federation of Business and Professional Women

California Elected Women's Association for  
Education and Research

California Women Lawyers

Comision Femenil Mexicana National, Inc.

Junior League of California

League of Women Voters of California

Minority Women's Legislative Roundtable

National Association for University Women

National Council of Jewish Women

Older Women's League

Soroptimist International

\* Advisory Board Members served solely in an advisory capacity. Their listing does not imply an endorsement of the research findings.



**APPENDIX B**  
**CODEBOOK FOR STATEWIDE BOARDS\***

<u>VARNAME</u>	<u>VARLABEL</u>	<u>VARVALUE</u>
APPTR	Appointer	1=Governor 2=Senate 3=Assembly
INFODATE	Date of information	MMDDYY 99999=Missing
ID	Page no. on printout	1234
REG	Board Registry No.	1234
SLOT	Type of Slot	1=Public 2=Not Public 3=Elected official 4=Government staff 9=Missing info
APPTDATE	Date of appointment	MMDDYY
SENCONF	Senate confirmation	1=Required 2=Not Required 3=Not applicable 9=Missing info
BDATE	Date of birth	MMDDYY 999999=Missing
PARTY	Political party	1=Democrat 2=Republican 3=Independent 4=Other 9=Missing info
MARSTAT	Marital status	1=Single 2=Married 3=Divorced/Separated 4=Widowed 5=Other 9=Missing info
COUNTY	County of residence	Coded 1-58



GENDER	Gender	1=Male 2=Female 9=Missing information
ETHNIC	Ethnicity	1=Caucasian 2=Hispanic 3=Black 4=Asian/Pacific Islander 5=Other 9=Missing info
ZIP	Zip code	12345 99999=Missing
OCC1	Employer	1=Self-employed 2=Not self-employed 3=CEO or President - Employer unclear 4=Homemaker, Retired, Unemployed 5=Not Clear 9=Missing info
OCC2	Public/Private Sector	1=Public Sector 2=Private Sector 3=Private Sector (public interest) 8=N.A. 9=Missing/Not Clear
OCC3	Occupational Categories	1=General Administration (services,professional) 2=Gen. Admin. (industry) 3=Gen. Admin. (general/misc.) 4=Medical 5=Legal 6=Education 7=Social Work/Counseling 8=Finance/Insurance 9=Tourism/Arts/Culture 10=Technical 11=Trades/Vocational 12=Sales 13=Ag-Related 14=Clerical 15=Elected 16=Retired 17=Homemaker 19=Unemployed 20=Other 30=Public Safety 99=Missing Info.

PRIVED	Attendance at a public or private school	1=Public 2=Private 3=Not clear 9=Missing info
HLOE	Highest level of education	1=Not HS grad 2=HS grad 3=Some college, A.A. 4=College grad 5=Some post-grad 6=Graduate/Professional (MA, PhD, EdD, MD, JD) 9=Missing info
EDAREA	Content area for HLOE	1=Ag/Ag Science 2=Business 3=Education 4=Humanities/Lib. Arts 5=Law 6=Medical-related 7=Science/Math/Engineering 8=Soc. Science 9=Not clear/other 10=Trade/vocational 11=Public Administration 99=Missing info
COMP	Compensation	1=No compensation 2=Expenses only 3=Per diem 4=Annual salary 5= Per diem and expenses 9=Missing info
PURPOSE	Purpose of board	1=Advisory 2=Regulatory 3=Quasi-Judicial 4=Other 9=Missing info

**BDTYPE****Type of Board**

- 1-Agriculture
- 2-Construction/Code Monitoring
- 3-Economic Development/Commerce
- 4-Education
- 5-Energy/Utility Regulation
- 6-Environment/Natural Resources
- 7-Finance/Budget/Taxation/Revenue/Insurance
- 8-Government Services/Administration
- 9-Health and Social Services/Hospitals
- 10-Housing/Redevelopment
- 11-Human/Civil Rights
- 12-Labor/Employment
- 13-Legal/Judicial/Courts/Criminal Justice
- 14-Planning/Architecture
- 15-Public Safety
- 16-Tourism/Parks & Rec./Culture and Art
- 17-Trade Examiners
- 18-Transportation
- 19-Women's Rights
- 20-Other
- 21-Veterans
- 22-Public Works

\*Coding Note: In the analysis of statewide boards, all appointments in the Registries were coded and analyzed with the exception of any Gubernatorial appointments made to fill vacancies on Boards of Supervisors.

**APPENDIX C**  
**CODEBOOK FOR CITY AND COUNTY BOARDS\***

<u>VARNAME</u>	<u>VARLABEL</u>	<u>VARVALUE</u>
<u>Structural Variables</u>		
ID	Name of City or County	
RECTYPE	Record Type	1=City 2=County
POPTYPE	Type of City or County	1=High Population 2=Urban 3=Non-Urban
INFODATE	Date of information	MMDDYY
NOSO	Northern or Southern part of the state	1=North 2=South
POP	Community population	1,2,3,+
MPOP	Male population	1,2,3,+
FPOP	Female population	1,2,3,+
WHITE	Caucasian population	1,2,3,+
BLACK	Black population	1,2,3,+
HISPAN	Hispanic population	1,2,3,+
ASIAN	Asian population	1,2,3,+
OTHER	Other ethnic pop.	1,2,3,+
REGVOT	Total number of registered voters	1,2,3,+
DEMS	Number of Democrats	1,2,3,+
REPS	Number of Republicans	1,2,3,+
INCOME	Per capita income	1,2,3,+
BCCOUNT	Total no. of boards per community	1,2,3,+
BCFTOTAL	Total no. of women on boards per community	1,2,3,+

CPTOTAL	Total no. of people on boards per community	1,2,3,+
WELE88	No. of women on Board or Council in 1988	1,2,3,+
TELE88	No. of persons on Board or Council in 1988	1,2,3,+
WELE82	No. of women on Board or Council in 1982	1,2,3,+
TELE82	No. of persons on Board or Council in 1982	1,2,3,+

#### Board Variables

BDID	Board ID No.	
BDPTOTAL	Total no. of people on board	1,2,3,+
BDFTOTAL	Total no. of women on board	1,2,3,+
BDNTOTAL	Total no. of gender-neutral names on board	1,2,3,+

#### BDTYPE                      Type of Board

- 1-Agriculture/Ag-Related
- 2-Cable TV
- 3-Construction/Code Monitoring
- 4-Culture/Art/Tourism
- 5-Economic Development/Commerce
- 6-Education
- 7-Employment/Labor/Civil Service/Personnel
- 8-Energy/Utility Regulation
- 9-Environment/Hazardous Waste/Pollution
- 10-Finance/Budget/Taxation/Revenue  
Insurance/Licenses/Claims/Bonds
- 11-General Services/Public Building
- 12-Health and Social Services/Hospitals
- 13-Housing
- 14-Human/Civil Rights
- 15-Legal/Judicial/Courts/Criminal Justice
- 16-Parks & Recreation/Fish & Game
- 17-Libraries

BDTYPE                      Type of Board  
(continued)

- 18-Planning
- 19-Planning-Related/Design/  
Architecture/Engineering
- 20-Public Safety/Police/Fire/Animal Control
- 21-Public Works
- 22-Redevelopment
- 23-Transportation/Roads/Parking/Airports
- 24-Women's Rights
- 25-Other
- 26-Cemetaries
- 27-Veterans/Armed Services
- 28-Trade Examiners
- 29-Consumer Affairs
- 30-Inter-jurisdictional
- 31-Districts (non-elected members only)

\*Coding Notes: All boards and board members listed in the local registries were included in the analysis with the exceptions described below.

Any board listed as inactive or non-functioning was not included. A decision was made not to include the Random Access Network boards because of their unclear status in most communities. The same decision was made for Underground Utility Committees. Working committees of the Boards of Supervisors or City Councils were not included, nor were associational assignments (e.g., a City Council representative to the League of California Cities). Inter-jurisdictional boards were counted — but only those appointments made by the appointing authority under study. Districts were included — but only if they were comprised in part or in whole by non-elected members.

Only voting members of the boards and commissions were counted. Staff members, elected officials, and ex-officio members were not included in the counts if they could be identified. Neither were members whose positions were pre-designated by their official positions. If an appointee was an appointment selected by the board itself, the appointee was counted only if the appointing authority made the majority of the appointments to the board. Board members that were not appointed by the appointing authority (e.g., appointed to an interjurisdictional board by another jurisdiction) were not included.













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## APPEARANCES

MEMBERS PRESENT

SENATOR DAVID ROBERTI, Chairman

SENATOR WILLIAM CRAVEN, Vice Chairman

SENATOR ROBERT BEVERLY

SENATOR HENRY MELLO

SENATOR NICHOLAS PETRIS

STAFF PRESENT

CLIFF BERG, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Governor's Appointments

## ALSO PRESENT

PATRICIA M. ECKERT, Member  
Public Utilities Commission

MARION M. McDOWELL, Member  
State Board of Education

SENATOR HERSCHEL ROSENTHAL



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P R O C E E D I N G S

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CHAIRMAN ROBERTI: The next item on the agenda is Patricia M. Eckert, Member of the Public Utilities Commission.

Ms. Eckert, we've been joined by Senator Rosenthal, Chairman of the Senate Energy and Public Utilities Committee, for questions.

MS. ECKERT: Thank you, Senator, and ladies and gentlemen. It's a privilege to be here to respond to your questions related to my confirmation.

I want to make a special point to thank you, Senator Roberti, and your staff people for setting the hearing with the dispatch that you have.

I've been a Commissioner now, serving on the Public Utilities Commission for four months. It's certainly a very challenging and stimulating experience.

I'd be pleased to respond to any questions that you have. I know that we have a time problem.

CHAIRMAN ROBERTI: I think Senator Rosenthal has a few questions of you, so we'll start with him.

SENATOR ROSENTHAL: Let me just start off by saying to the Rules Committee, Mr. Chairman and Members, I appreciate this opportunity to appear here as the Chair of the Senate Energy and Public Utilities Committee to assist you in your questioning of Patricia Eckert, the Governor's latest nominee to be a Commissioner.





1 I've said several times to several people, including to  
2 Ms. Eckert herself, that I'm pleased the Governor has finally  
3 nominated a woman to be a PUC Commissioner. I'm glad he  
4 nominated someone from Southern California, which is also part of  
5 the State.

6 (Laughter.)

7 SENATOR ROSENTHAL: We have not had anybody from  
8 Southern Cal, and because we also have some utility concerns in  
9 the South as well as the North.

10 I'm glad particularly that he nominated someone from my  
11 district.

12 MS. ECKERT: Me too, Senator.

13 SENATOR CRAVEN: I knew we were going to get to that.

14 (Laughter.)

15 SENATOR ROSENTHAL: I must say, I've also been  
16 personally impressed with the energy and talent demonstrated by  
17 this Governor's nominee, so I don't expect any problems here.

18 But before I ask Commissioner Eckert some questions, I  
19 would like to emphasize how important this nomination is. Not  
20 just because the Governor has appointed all five of the present  
21 PUC Commissioners, but rather because not for some time and never  
22 during the time that I've been Chairman of the Energy and Public  
23 Utilities Committee has there been so many significant decisions  
24 waiting to be made at the PUC, which will have dramatic impact on  
25 the lives of all Californians.

26 Within weeks, the PUC Commissioners will be deciding on  
27 a restructuring of the State's trucking regulatory regime, most  
28



1 likely toward deregulation. Within months, they will be deciding  
2 on major restructuring of our local telephone systems, most  
3 likely toward greater deregulation. The Commission will probably  
4 soon decide to allow a merger, creating the nation's largest  
5 utility, and we are presently waiting for word from the  
6 Commission on how they intend to regulate cellular telephones in  
7 the state.

8 I could go on and on. I just want to say that these are  
9 significant issues to be decided at the Commission, and many of  
10 us have been hearing that this Commission may be moving too  
11 quickly and too easily toward the deregulatory direction desired  
12 by the utilities and big industries, without ample independent  
13 voices articulating concerns of consumers and utility ratepayers.

14 Also, many of us seem to be getting the impression from  
15 this Commission that they don't believe there's a role for the  
16 Legislature in solving many of these important issues.

17 So, I welcome the independence expressed to me by  
18 Commissioner Eckert as we move toward highly controversial and  
19 complex utility issues.

20 Now, two or three questions.

21 MS. ECKERT: Yes, sir.

22 SENATOR ROSENTHAL: Tell us, if you will briefly, what  
23 is your philosophy on what the relationship should be between the  
24 Legislature and the PUC?

25 MS. ECKERT: I think it ought to be a good one, like the  
26 one that I envisioned when -- my second week after I was  
27 appointed. I came up to see you, and to talk to you, and to hear  
28



1 your concerns, to let you know that I'm a very serious,  
2 thoughtful and independent thinker.

3 I think we do have many very serious issues that affect  
4 millions of Californians, and I'm the kind of person that likes  
5 to gather as many of the facts, hear as many of the sides, and  
6 make my own decision. I've worked very hard during my whole  
7 career to be that kind of an individual.

8 I think that as far as working with the Legislature, we  
9 have to work with the Legislature. We, as Commissioners, are  
10 members of a body that represents -- we have to have the public  
11 trust, and you as Legislators represent the people. And how  
12 else, other than working with you in the Legislature, can we  
13 accomplish and meet the trust that we're charged with?

14 SENATOR ROSENTHAL: You don't have a problem with the  
15 Legislature having some sort of oversight or occasionally having  
16 a hearing, asking you to bring us information about particular  
17 subjects?

18 MS. ECKERT: I would encourage it. I think we are doing  
19 several studies at your request, Senator, and I think that our  
20 staff is an excellent staff. I'm very impressed with the  
21 thousand people that we have working there. This is really a  
22 terrific agency. They work very hard to be able to provide that  
23 for you.

24 SENATOR ROSENTHAL: I understand that the PUC will hold  
25 an oral argument phase of their review over how we should  
26 regulate telephones in the state.

27 MS. ECKERT: That's correct.  
28



1           SENATOR ROSENTHAL: Have you become familiar with the  
2 telephone proposals to change the way we regulate local telephone  
3 service? And if so, do you have any comments?

4           Let me just mention, you probably are aware that the  
5 Missouri's PUC just rejected a similar proposal in their state.

6           MS. ECKERT: I wasn't aware of Missouri's situation, no.

7           But to the extent that -- of my familiarity, I'm  
8 becoming familiar. This is the alternative regulatory framework,  
9 phase two investigation. In other words, in the new, more  
10 competitive, less regulated marketplace in telecommunications,  
11 what is the appropriate role of regulation.

12          So in phase one, the Commission undertook the first  
13 study. Our goals included taking a close look at universal  
14 service, economic efficiency, avoidance of cross subsidies,  
15 encouragement of technological advance, financial and rate  
16 stability, and efficient regulation.

17          We're now at the end of phase two. This is a very  
18 complex area, and the technology makes it even more complex, so  
19 it's taking me some time to get up to speed. However, I am in  
20 that process right now. Written testimony in phase two was  
21 submitted by over a dozen parties in the fall of '88, and then  
22 the hearings were held for 13 weeks in November of '88 through  
23 March of '88.

24          As we stand right now, the briefs and reply briefs were  
25 filed in May of '89, and the case is scheduled to have a  
26 tentative decision in mid-August. So, we're four weeks away from  
27 a tentative decision.  
28





1 In the meantime, I'm trying to become as familiar as I  
2 can with the record. I've been briefed. Yesterday I had a  
3 briefing, several briefings, by various technical people from  
4 Telco, and as far as where we're headed in that area, I'm still  
5 learning.

6 SENATOR ROSENTHAL: I plan to hold an interim hearing on  
7 bills concerning the PUC: the ALJ system and ex parte  
8 communications. I discussed this with you at one point.

9 MS. ECKERT: Yes, you did, Senator.

10 SENATOR ROSENTHAL: And while you may not have reached a  
11 final decision yet, I just wanted for the Members of the Rules  
12 Committee to have you comment on my concerns that I've expressed,  
13 in which in this particular case, this is the only commission or  
14 board that has an ALJ system which comes out of that agency,  
15 appointed by the Commissioners, and responsible to the  
16 Commissioners in terms of their decisions.

17 I've always thought that maybe it ought to be somewhat  
18 removed from the process, as other judges are when they're called  
19 upon to make some decisions about regulations.

20 The other one that I mentioned to you was my concern  
21 that there doesn't appear to be an ex parte situation that people  
22 know who's talking to whom about what subjects, as happens in the  
23 Federal Communications Commission. I'd just like to have your  
24 comments about those.

25 MS. ECKERT: Certainly.

26 Let me address them in turn; first of all, the ALJ  
27 matter.  
28



1 After you and I discussed that, I had some lengthy  
2 conversations with Mary Carlos, who's our chief ALJ, and asked  
3 the kinds of questions: how would this impact you; what would be  
4 the practical affect of this. Those kinds of pragmatic kinds of  
5 questions. And some of the answers that I'm getting back are,  
6 well, the fact that we have -- we require such technical  
7 expertise, and we've got a thousand people including economists,  
8 real complex modeling, computer modeling, and all of that kind of  
9 thing. And the access to that information and the expertise  
10 areas that are developed by the various judges are very helpful  
11 for them to be there. So, I've learned that much.

12 Now, I'm still looking into it. I want to observe it.  
13 I want to hear what you have to say, and then I'm sure I'll have  
14 a more fleshed out opinion as time goes on.

15 With respect to the ex parte matter, again, you and I  
16 discussed that. And I think I mentioned to you that in our role,  
17 I perceive the role of the Commissioner as a quasi-judicial kind  
18 of role. And in the traditional judicial setting, in the total  
19 fairness, the overview in fairness to the parties, both parties  
20 should know what's going on. But because of the nature of the  
21 Public Utilities Commission, and it's also involved with, you  
22 know, legislative kinds of liaison with you as Senators and  
23 Assemblymen. We -- at this point, I think it's very important,  
24 Senator, and I told you that, and I'm careful about it.

25 But it's a balancing act as well, because I get a lot of  
26 information from people on both sides, and I've been thinking  
27 about it a lot since we discussed it. The Commission, for  
28



1 example, on major cases where -- such as this merger case, will  
2 issue their own self-imposed ex parte orders, which we have. So,  
3 on a case-by-case basis, we do issue and obey our ex parte rules.

4 But again, it's a balancing consideration. And, I mean,  
5 personally, as far as I'm concerned, I go out of my way to be  
6 fair, and I do like to hear people out, though.

7 SENATOR ROSENTHAL: I am not suggesting that you  
8 shouldn't be talking to whomever; that's fine. It just seems to  
9 me that there is a growing perception, and this is what I'm  
10 trying to deal with, perception.

11 MS. ECKERT: Yes.

12 SENATOR ROSENTHAL: There's a growing perception that a  
13 certain interest has the ear of the Commission, and that other  
14 people don't even know what's being discussed. I'm not talking  
15 about specifics, but if someone is talking to you about  
16 deregulating a particular function, that ought to be public  
17 information, that that conversation at least is taking place.

18 In Washington, the Federal Communications Commission,  
19 when somebody goes and talks to a Commissioner about a subject,  
20 that subject matter is listed so that everybody can take a look  
21 at it.

22 Not the specifics; I'm not interested in writing down  
23 exactly what took place, but the subject matter, so that anybody  
24 could take a look at what's being discussed.

25 MS. ECKERT: I understand.

26 SENATOR ROSENTHAL: On another subject now, what are  
27 your general views on truck regulations, and do you believe it  
28





1 warrants a different regulatory approach to other utilities,  
2 first of all, because there's all kinds of trucking, and it's not  
3 stationary, and it deals with all kinds of subjects which are  
4 somewhat different than dealing with the utility or with the  
5 telecommunications industry?

6 MS. ECKERT: I would love to give you a very erudite  
7 answer to that. I've just gotten into it.

8 We have the general freight OII, which -- where there  
9 were a total of, I think, 56 volumes of transcripts; 7,000 pages;  
10 hearings for 54 days. Very complex kinds of things.

11 I am just beginning to crack the surface of that whole  
12 area. I wouldn't want to give you my views on it, being at such  
13 a seminal stage.

14 However, I am open to -- I spoke with the Teamsters.  
15 Some of their representatives had concerns. I spoke with them  
16 yesterday. They educated me. I'm in the process of being  
17 educated on this. And I know that there is a -- the general  
18 freight and transportation area, in 1986, there was a program in  
19 place. And although there are criticisms of programs as there  
20 always are, that program seems to be working. And I'm always  
21 hesitant to create a whole new program three years after another  
22 program's in place, and it's very complex. There are a lot of  
23 people impacted by this.

24 SENATOR ROSENTHAL: Just a follow up.

25 One of the concerns I've had, and it maybe unfounded,  
26 but I've kind of gotten the feeling, as Members of the  
27 Legislature have, that as you deal with rates of trucks, you  
28



1 begin to deal with what happens on the highway in terms of  
2 accidents, in terms of insurance, in terms of all other kinds of  
3 things. And that in the interest of trying to create a  
4 competitive environment, rates get continually cut as people are  
5 trying to compete with one another, and then may not be able to  
6 maintain the equipment, or maintain the number of hours that  
7 drivers are driving. And so, you get into other kinds of things  
8 other than the specific rates.

9 That's been my concern in trying to deal with how rates  
10 are deregulated, and how the truck industry is deregulated.

11 MS. ECKERT: Senator, I share that concern genuinely. I  
12 think that safety and the safety concerns that we have for both  
13 the people in that industry and the people on the highway are  
14 such an important aspect of what we do.

15 If you see a correlation, and if in the testimony -- I  
16 think that's why we have this kind of record that we do, and I  
17 think there's quite a bit of testimony on that, the correlation  
18 between trying to get the rates down so low, and the kind of  
19 skimping, having to skimp to keep your livelihood. I'm sensitive  
20 to that, and I will take that under very serious consideration.

21 SENATOR ROSENTHAL: Because, apropos of that, we've seen  
22 what's happened in the airline industry.

23 MS. ECKERT: That's what I said.

24 SENATOR ROSENTHAL: Because, as they have attempted to  
25 compete with one another and eliminate some of the other persons  
26 operating, they're not spending the same amount of money on  
27 maintenance. They're having more accidents.  
28



1 I mean, that's the balancing that needs to take place in  
2 terms of --

3 MS. ECKERT: I've observed that myself, and I'm quite  
4 concerned about it.

5 SENATOR ROSENTHAL: Finally, I have been concerned with  
6 the merger of the utilities, Edison and San Diego, and have been  
7 carrying a piece of legislation which kind of gives some broad  
8 guidelines to the Commission, things to take a look at in terms  
9 of that merger.

10 It looks like we now have support from all parties  
11 except the PUC, and the PUC has raised a concern about the labor  
12 issues, because I said whatever happens ought to be fair to labor  
13 of both companies. I'm not suggesting jobs are not going to be  
14 eliminated, but there ought to be some concerns.

15 I would just appreciate your conveying to your fellow  
16 Commissioners my serious interest in meeting to discuss this  
17 matter, because I think we can solve that problem and not have  
18 the PUC opposed to the legislation.

19 MS. ECKERT: Excellent. We'll meet with you.

20 SENATOR ROSENTHAL: Thank you very much.

21 I think this is a fine recommendation. I think she will  
22 be a fine member of the Commission. I look forward to working  
23 with her.

24 CHAIRMAN ROBERTI: Thank you, Senator.

25 Are there any other questions? Is there any opposition  
26 in the audience?  
27  
28



1 SENATOR CRAVEN: Move Ms. Eckert's confirmation to the  
2 Floor.

3 CHAIRMAN ROBERTI: Senator Craven moves Ms. Eckert's  
4 confirmation. Secretary will call the roll.

5 SECRETARY WEBB: Senator Beverly.

6 SENATOR BEVERLY: Aye.

7 SECRETARY WEBB: Senator Mello. Senator Petris.

8 SENATOR PETRIS: Aye.

9 SECRETARY WEBB: Senator Craven.

10 SENATOR CRAVEN: Aye.

11 SECRETARY WEBB: Senator Roberti.

12 CHAIRMAN ROBERTI: Aye.

13 The vote is four to nothing; confirmation is recommended  
14 to the Floor.

15 MS. ECKERT: Thank you, Senators.

16 (Thereupon the Senate Rules Committee  
17 acted upon legislative agenda items.)

18 CHAIRMAN ROBERTI: I would like to take up Marion M.  
19 McDowell, Member of the State Board of Education.

20 Ms. McDowell, we'll ask you what we ask all of the  
21 Governor's appointees, and that is why you feel you're qualified  
22 to assume this position.

23 MS. McDOWELL: I think there are three main reasons why  
24 I'm qualified for the position.

25 First is my background of experience. I have been an  
26 educator and administrator in the Sequoia Union High School  
27 District for 20-plus years. This district is a richly diverse  
28





1 district. It is really a microcosm in many ways of education in  
2 California. We are ethnically and linguistically diverse. I'm  
3 familiar with families with wide socioeconomic range, and our  
4 students come with a wide range of skills, from very limited to  
5 the very highest of skills.

6 I think I understand the very complex educational issues  
7 in California, and I bring a background in overall school  
8 administration, with special expertise in personnel and labor  
9 relations.

10 Secondly, I think are my personal qualifications. I  
11 have a reputation for being fair minded. I try to remain open  
12 minded as I'm hearing all sides of issues, and I believe that I  
13 am regarded as being open, honest, and of very high integrity.

14 And finally, I care about public education in  
15 California.

16 CHAIRMAN ROBERTI: Very good. Thank you for your  
17 presentation.

18 Are there any questions of Ms. McDowell?

19 I might note that there are letters in the file of  
20 support from your own district Teachers' Association, the Sequoia  
21 District, from Hispanos Unidos, and from CTA.

22 SENATOR CRAVEN: Move the confirmation of Ms. McDowell.

23 CHAIRMAN ROBERTI: Senator Craven moves the confirmation  
24 of Marion McDowell be recommended to the Floor.

25 Senator Petris.

26 SENATOR PETRIS: Bilingual education.

27 MS. McDOWELL: Yes, sir.  
28



1           SENATOR PETRIS: Will you tell me in a nut shell how you  
2 view it, where we're doing okay by it. There's no statute now.

3           MS. McDOWELL: That is correct.

4           SENATOR PETRIS: You're familiar with that?

5           MS. McDOWELL: I'm familiar with that.

6           I think that the issue of educating limited English  
7 proficient students in California is probably the greatest issue  
8 facing education at the present time.

9           I think there are a wide range of ways of educating  
10 limited English proficient students. I think bilingual or  
11 primary language instruction is a very important part of that.

12           I would like to see districts have some flexibility to  
13 deal with the nature of their students, the nature of the staff  
14 they have available, so that they could use a variety of  
15 approaches. But I do support the use of primary language  
16 instruction.

17           SENATOR PETRIS: What is your model for the exit time?

18           MS. McDOWELL: I'm sorry?

19           SENATOR PETRIS: What is your opinion on the best level  
20 of exiting from the program?

21           The big issue up here has consistently been between  
22 those who allege that the other side wants to keep them in  
23 bilingual education until they graduate as surgeons from some  
24 medical school, almost, and others say they ought to be out by  
25 the third or fourth, fifth grade; that's enough time.

26           MS. McDOWELL: I don't think --

27           SENATOR PETRIS: That's what I mean by the exit time.  
28



1 MS. McDOWELL: I don't think there can be a hard and  
2 fast rule. I think we want to make certain -- just as special  
3 education advocates have made certain that their students are in  
4 the least restrictive environment, we want to make certain that  
5 those programs where the staff have become very protective of  
6 their students don't wish to retain them simply because of the  
7 close personal relationship.

8 I think districts should have policies that have clear  
9 exit standards. For those who come to school districts already  
10 well-educated in their own language, those students move very  
11 quickly out of primary language instruction and into regular  
12 classes. Those with very limited educational background will  
13 take longer, and I don't think that you can specify in terms of  
14 years. I think there need to be specific exit criteria that  
15 should be clearly delineated by the district policies.

16 SENATOR PETRIS: Do you think we need to restore a  
17 statute?

18 MS. McDOWELL: I'm not sure that a statute that mandates  
19 certain procedures is necessary, but I would like to see a  
20 standard that sets clear expectations, and then holds districts  
21 accountable.

22 SENATOR PETRIS: I think most of the experts that I've  
23 read and talked to said the same thing you said; that as part of  
24 an overall program attacking the problem, bilingual is very  
25 important, but it has to be in combination with other things,  
26 such as intensive training in English and grammar, and so forth.

27 Do you agree with that?  
28



1 MS. McDOWELL: I agree, and we need to do a better job  
2 of teaching our teachers how students acquire language. I think  
3 that's something that is not well known by some of the  
4 instructors in programs at the present time.

5 SENATOR PETRIS: Thank you.

6 CHAIRMAN ROBERTI: Any other questions? Is there any  
7 opposition in the audience to the appointment of Ms. McDowell?

8 Senator Craven has moved. Secretary, call the roll.

9 SECRETARY WEBB: Senator Beverly.

10 SENATOR BEVERLY: Aye.

11 SECRETARY WEBB: Senator Mello.

12 SENATOR MELLO: Aye.

13 SECRETARY WEBB: Senator Petris.

14 SENATOR PETRIS: Aye.

15 SECRETARY WEBB: Senator Craven.

16 SENATOR CRAVEN: Aye.

17 SECRETARY WEBB: Senator Roberti.

18 CHAIRMAN ROBERTI: Aye.

19 The vote is five to nothing.

20 MS. McDOWELL: Thank you very much.

21 CHAIRMAN ROBERTI: Confirmation is recommended, and  
22 congratulations.

23 (Thereupon this portion of the Senate  
24 Rules Committee hearing was terminated  
25 at approximately 4:25 P.M.)

26 --oo0oo--  
27  
28





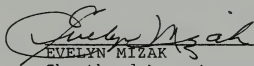
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That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of August, 1989.

  
EVELYN MIZAK  
Shorthand reporter







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17 2:00 P.M.  
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24 Reported by:  
25  
26

27 Evelyn Mizak  
28 Shorthand Reporter





## APPEARANCES

MEMBERS PRESENT

SENATOR DAVID ROBERTI, Chairman

SENATOR WILLIAM CRAVEN, Vice Chairman

SENATOR ROBERT BEVERLY

SENATOR HENRY MELLO

SENATOR NICHOLAS PETRIS

## STAFF PRESENT

CLIFF BERG, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Governor's Appointments

ALSO PRESENT

CHRISTOPHER W. WADDELL, Chief Counsel  
Department of Personnel Administration

DAVID J. TIRAPELLE, Director  
Department of Personnel Administration

THEODORE J. SAENGER, Member  
Trustees of the California State University

LYNNEL POLLOCK, Member  
Industrial Welfare Commission

WILLIAM R. CHANNELL, Member  
Bord of Directors  
Hastings College of the Law

AARON READ, Legislative Advocate  
California Association of Highway Patrolmen, Professional Engineers,  
State Attorneys, Scientists, Trades and Maintenance Employees

BOB ZENZ, Legislative Advocate  
California State Employees Association

BILL CRIST, Chairman  
Political Action Legislative Committee  
California Faculty Association, California State University



APPEARANCES (Continued)

JOHN TOLAND, Administrator  
CSU Division  
California State Employees Association

JOSEPH MANZELLA  
State Employees Trades Council

GARY M. COUTIN, Esq.  
Attorney at Law



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P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: We'll now go to Governor's Appointments. We will start with the bottom of the alphabet, Christopher W. Waddell, Chief Counsel, Department of Personnel Administration.

MR. WADDELL: Good afternoon.

CHAIRMAN ROBERTI: Mr. Waddell, we will ask you what we ask all the Governor's Appointees, and that is why you feel you're qualified to assume this position?

MR. WADDELL: Very briefly, I've been a practicing labor attorney for virtually the entire time I've been in practice. For the last six years, I've been working for the State in positions that are exclusively labor law oriented. For the last four of those, I've worked in supervisory or managerial capacities over a legal staff.

I'm a member of the Labor and Employment Law sections of the American Bar Association and the State Bar of California. I'm also a member and immediate past president of the Industrial Relations Association of Northern California, which is a joint labor-management group that deals with issues of interest to labor professionals.

CHAIRMAN ROBERTI: Thank you.

Are there any questions from the Members of the Committee?

I might indicate, there's no opposition to the appointment that we have in the file.



2  
1 SENATOR CRAVEN: Are you ready for a motion, Mr.  
Chairman?

2  
3 CHAIRMAN ROBERTI: Senator Craven moves --

4  
5 SENATOR CRAVEN: Move Mr. Waddell's confirmation to the  
Floor.

6  
7 CHAIRMAN ROBERTI: -- the appointment be recommended to  
the Floor.

8  
9 I'm just looking to see if I had a question I want to  
ask you, or if you're going to get off free. I don't have any  
10 questions.

11  
12 All right, Senator Craven moves. Is there any  
opposition in the audience?

13  
14 Secretary, call the roll.

15  
16 SECRETARY WEBB: Senator Beverly. Senator Mello.  
Senator Petris.

17  
18 SENATOR PETRIS: Aye.

19  
20 SECRETARY WEBB: Senator Craven.

21  
22 SENATOR CRAVEN: Aye.

23  
24 SECRETARY WEBB: Senator Roberti.

25  
26 CHAIRMAN ROBERTI: Aye.

27  
28 The vote is three to nothing; confirmation is  
recommended to the Floor.

29  
30 Congratulations.

31  
32 MR. WADDELL: Thank you very much.

33  
34 CHAIRMAN ROBERTI: We're going to be in recess for five  
minutes because I have a very quick appointment, and there's only  
35 three of us. So, without objection, such will be the order.  
36 We're in recess for five minutes.  
37  
38



(Thereupon a brief recess was taken.)

SENATOR CRAVEN: Recess is over.

We will now go back to the Governor's Appointees. Next will be David J. Tirapelle, Director of the Department of Personnel Administration.

Would you please tell us why you feel you are qualified for this appointment?

MR. TIRAPELLE: Yes, I will. Thank you, Senator Craven, Members of the Rules Committee.

I appreciate the opportunity to discuss my qualifications for being the Director of the Department of Personnel Administration.

I think my primary qualifications stem from my 22-plus years of experience in State government. All 22 years of my experience have been in personnel and labor relations. As such, I feel that I've acquired a great deal of knowledge and expertise in the subject matter area that has enabled me to be responsive and innovative in dealing with the many personnel problems that we're faced with.

For the last 15 years, I've served in management positions. I served as the Personnel Manager in a line department; 10 years in a variety of management positions with the State Personnel Board. For the last 6 years, I served as a Division Chief, a Deputy Director, and now as the Director of the Department of Personnel Administration.

I think I've demonstrated that I've got the management skills to run an organization, set goals and objectives, develop





1 priorities, develop game plans to accomplish those priorities,  
2 and motivate staff to carry through on that mission.

3 One of our primary missions with the Department is  
4 representing management in the meet and confer process with the  
5 various employee organizations. And while that can be an  
6 adversarial relationship, I believe that I've earned the respect  
7 of the many employee organizations and their representatives that  
8 we deal with. I believe I have the support of many of those  
9 organizations for my nomination.

10 Last, I believe I also have the support of the employees  
11 that work for the Department of Personnel Administration. I  
12 think they recognize me as a leader, are pleased to work for the  
13 Department, and are also in support of my nomination.

14 That concludes my remarks. I'd be happy to answer any  
15 questions the Senators may have.

16 SENATOR CRAVEN: Thank you very much, Mr. Tirapelle.

17 Senator Mello, go ahead.

18 SENATOR MELLO: I'm interested, I know the State is way  
19 behind in hiring of minorities and the balancing, especially  
20 Hispanics and Blacks and other minority groups.

21 What has happened since you've been the Director and  
22 worked within the Department? These numbers, are they moving  
23 upward, or are there any goals there to try to meet the hiring  
24 through an affirmative action program?

25 MR. TIRAPELLE: For my particular Department, we happen  
26 to be at parity for all of the under-represented groups; in fact,  
27 we're over parity in such areas as the Hispanic population and  
28 women.



1 In State service in general, while that's not an area  
2 directly under my responsibility, every department is required to  
3 have goals and timetables established for their affirmative  
4 action goals. The State Personnel Board staff is responsible for  
5 monitoring those departments to ensure that they do make a good  
6 faith effort in their affirmative action programs to accomplish  
7 those goals.

8 SENATOR MELLO: You said as far as your Department.  
9 What about the State in general?

10 MR. TIRAPELLE: The State in general still lags behind,  
11 especially in the area of Hispanics where there's a great  
12 disparity in terms of representation for Hispanics.

13 SENATOR MELLO: What type of outreach program do we have  
14 to try to bring up those numbers to make them more in balance  
15 with the population? What programs do we have in place that  
16 would help bring this imbalance, to bring it more into balance  
17 with the percentage of the population from, let's say, the  
18 Hispanic group?

19 MR. TIRAPELLE: In the Hispanic area specifically, the  
20 State Personnel Board does have a program in place that allows  
21 for -- in the development of eligible lists, for certain job  
22 classes to specifically have separate job classes that generate  
23 eligible lists that only have Hispanic eligibles on there. That  
24 allows the departments to directly reach into those eligible  
25 lists and make Hispanic hires.

26 I think that's the primary focus.  
27  
28



1           SENATOR MELLO: How much progress have we made in that  
2 area?

3           MR. TIRAPELLE: I think the progress over the last  
4 several years has been approximately one percent per year. But,  
5 of course, the Hispanic population is growing faster than that  
6 one percent, so while I think a good faith effort and progress  
7 has been made, we're running up hill, so to speak.

8           SENATOR MELLO: We're falling behind, in other words.

9           MR. TIRAPELLE: Yes.

10          SENATOR MELLO: What about as it pertains to women? We  
11 talk about comparable worth, and women are making about 60  
12 percent of what men are making at the same position, and they're  
13 about 5 percent of the top management jobs being held by women  
14 versus men.

15          What have you done in order to bring about equity in the  
16 hiring and the pay of women in all branches of State government?

17          MR. TIRAPELLE: For the State, well, the general  
18 numbers, I think, do reflect that women in general in the work  
19 force are making approximately 65 percent of the -- on the dollar  
20 for what men are making. In State government we are now at the  
21 75 percent level, making 75 cents on the dollar.

22          That's been a substantial increase since we've had  
23 collective bargaining in State service, and we have been  
24 addressing that issue at the collective bargaining table for  
25 those job classes that have a predominant number of women in the  
26 job class.



1           SENATOR MELLO: But aren't those classes in the  
2 secretarial categories?

3           MR. TIRAPELLE: A number of them are in the secretaries.  
4 We still have in the clerical ranks a predominance of women in  
5 those ranks, but through upward mobility programs and avenues for  
6 promotion for persons in those job classes, and through our entry  
7 level recruitment of hiring professionals in such areas as  
8 doctors and lawyers, we're getting more women in the professional  
9 ranks and also through promotional avenues, getting more women in  
10 the management and administrative ranks. So, through those  
11 efforts we are seeing substantial progress for women in the area  
12 of comparable salaries.

13           SENATOR MELLO: What are the numbers, though, as far as  
14 the --

15           MR. TIRAPELLE: Right now women in State government are  
16 making 75 percent of what men are.

17           SENATOR MELLO: No, you said that once before. What are  
18 the numbers as far as women reaching management goals, or  
19 reaching more top level positions?

20           MR. TIRAPELLE: I don't have those numbers specifically.  
21 Those programs are not really directly under my  
22 auspices. They're governed by the State Personnel Board, so I  
23 don't have those numbers.

24           SENATOR MELLO: Thank you.

25           SENATOR CRAVEN: Thank you, Senator Mello.

26           Senator Beverly?

27           SENATOR BEVERLY: No questions.  
28





1 SENATOR CRAVEN: Anyone in the audience wish to comment?  
2 Mr. Read. Let the record show this is Aaron Read.

3 MR. READ: Thank you, Mr. Chairman and Members. Aaron  
4 Read, representing the California Association of Highway  
5 Patrolmen, Professional Engineers, State Attorneys, Scientists,  
6 Trades and Maintenance Employees.

7 We're very happy to support the Governor's nomination of  
8 Mr. Tirapelle. We have found him to be highly skilled, very  
9 professional, honest, accessible, and we think one of the best  
10 people that we've had in that position.

11 We're pleased to be here to offer our support and to  
12 tell you that we think he's done a very good job, and we look  
13 forward to working with him in the future.

14 SENATOR CRAVEN: Thank you very much, Mr. Read.

15 Anyone else? Yes, sir.

16 MR. ZENZ: Mr. Chairman and Members, Bob Zenz,  
17 representing California State Employees Association.

18 We represent approximately 80,000 members that are  
19 covered under the collective bargaining law that is administered  
20 by the Department of Personnel Administration.

21 But today, on behalf of our other members, over 10,000  
22 State supervisors who do the meet and confer process through the  
23 Department of Personnel Administration, we want to go on record  
24 as strongly supporting his nomination.

25 Also, as the Director of the Department of Personnel  
26 Administration, Mr. Tirapelle also serves on the PERS Board,  
27 which we have approximately 35,000 retired State employees who  
28



1 are very directly affected by the policies of that board. And we  
2 just want to state that he's been very supportive and  
3 understanding of the problems thus far of those members also.

4 So, we strongly support his nomination.

5 SENATOR CRAVEN: Thank you very much, sir.

6 Anyone else who wishes to make a comment? There appears  
7 to be none.

8 Senator Beverly.

9 SENATOR BEVERLY: Move we recommend approval of the  
10 confirmation.

11 SENATOR CRAVEN: Senator Beverly moves the confirmation  
12 to the Floor.

13 Call the roll, please.

14 SECRETARY WEBB: Senator Beverly.

15 SENATOR BEVERLY: Aye.

16 SECRETARY WEBB: Senator Mello.

17 SENATOR MELLO: Aye.

18 SECRETARY WEBB: Senator Petris.

19 SENATOR PETRIS: Aye.

20 SECRETARY WEBB: Senator Craven.

21 SENATOR CRAVEN: Aye.

22 SECRETARY WEBB: Senator Roberti.

23 Four to zero.

24 SENATOR CRAVEN: Four-zero; you're recommended to the  
25 Floor.

26 MR. TIRAPELLE: Thank you.

27 SENATOR CRAVEN: Congratulations.  
28



1           Next is Theodore J. Saenger, Member of the Trustees,  
2 California State University.

3           MR. SAENGER: Mr. Chairman, Members of the Committee.

4           SENATOR CRAVEN: Do you want to tell us why you feel you  
5 are qualified to hold this very lofty position?

6           MR. SAENGER: I'd be pleased to.

7           I would offer three reasons why I believe I can make a  
8 contribution as a Trustee of the California State University  
9 system.

10           First has to do with longtime interest in education,  
11 particularly higher education, public higher education in  
12 California. Second has to do with my civil and business  
13 experience. And third has to do with my awareness of and  
14 interest in dealing with the challenges facing higher education  
15 in California today.

16           Regarding the long-term interest, I'm a product of the  
17 California public education system. I am very much aware of what  
18 that has meant to me personally, the opportunities that it opened  
19 up for me, and I want to see that same kind of opportunity  
20 continue for Californians going into the future.

21           I've kept a continuing involvement with higher  
22 education. I serve as currently the fund raising chairman for  
23 U.C. Berkeley for its Keeping the Promise campaign. I've been on  
24 the Business Advisory Board for years. I'm a member of the  
25 Occidental College Board of Trustees. So, I am interested; I am  
26 involved.

27  
28



1 Business experience, I was a business executive, Chief  
2 Executive of Pacific Bell, my last role before I retired in  
3 January of 1988. Civic experience, many, many boards and  
4 involvements, most recent of which was serving as the Chairman of  
5 the California Economic Development Commission -- Corporation,  
6 which was a creature the Governor asked to prepare a report  
7 called, "California Vision 2010". Involved in that "California  
8 Vision 2010" was a set of recommendations about how California  
9 might meet some challenges in the future. Some of those  
10 recommendations were cited in the Assembly or the Joint Report on  
11 the Master Plan, as well as on the Commission on the Master Plan  
12 for Education in California.

13 As a result of that involvement, I clearly have an  
14 awareness of, and I do have an interest in, meeting the  
15 challenges facing California's educational system, and  
16 particularly its higher educational system going into the future.

17 For those three reasons, I believe I would qualify and  
18 contribute as a Trustee.

19 SENATOR CRAVEN: Yes, sir.

20 Senator Petris.

21 SENATOR PETRIS: Thank you, Mr. Chairman.

22 I've got a few areas of interest over the years. I'd  
23 like to ask you on some of the subjects.

24 When were you appointed?

25 MR. SAENGER: January of this year.

26 SENATOR PETRIS: So you haven't been on very long.

27 MR. SAENGER: No, still learning.  
28





1           SENATOR PETRIS: The first area I want to cover is  
2 collective bargaining. As Chair of the Subcommittee on Education  
3 in the Budget on our side, we get to review the entire budget for  
4 the Cal. State system. Along with that, we talk to a lot of  
5 people who are employees, and there have been consistent  
6 criticisms of labor relations policy over the years. So, I want  
7 to ask you some questions about that. That will lead into  
8 affirmative action policies as well.

9           I just want to get your comment on some of these things  
10 to find out what plan you might have to try to correct some of  
11 the problems.

12           They're genuine problems. We've looked into them.  
13 We've had public meetings on them as part of the budget process.

14           The complaints by several different employee groups,  
15 ranging from faculty to clerical, actually, seem to show a  
16 pattern over the past decade of unwillingness to comply with the  
17 spirit and the letter of the law that is clearly established  
18 relating to labor relations. It's a management-employee problem.

19           The most common complaints are: delayed contract  
20 settlements, sometimes delays stretching to three years and more  
21 with the State University Police, for example. You know, they  
22 bargain in good faith; they expect to reach some kind of  
23 agreement, and they get horsed around, actually. They just kept  
24 getting delays and delays. It's very unsettling for people in  
25 that job category.

26           Another area is discrimination against employees who are  
27 involved in union activity. Now, that was supposed to have gone  
28



1 out, you know, decades ago, but we've had specific findings by  
2 official agencies that that has taken place on the part of  
3 management at Cal. State.

4 Now, I realize you're not management. You have other  
5 people managing, but you're the policy maker, and hopefully, you  
6 monitor and oversee some of these things. I want to call them to  
7 your attention.

8 Another area is bad faith bargaining, in all of its  
9 various possibilities. Things like surface bargaining, reneging  
10 on signed agreements, assigning negotiators without authority,  
11 refusal to provide information necessary for bargaining,  
12 unilateral implementation of a position before completing the  
13 bargaining process. We had two or three specific ones on that  
14 just this past year -- this year. Bypassing union  
15 representatives to communicate the bargaining matters directly to  
16 the employees, and so forth.

17 Let me get to some specific cases. These probably  
18 predate your membership, and you may not have any knowledge of  
19 them at all. The ones I have here go all the way back to 1985,  
20 but they're the type that seem to recur.

21 Here's a case in which Cal. State agreed that it failed  
22 to process grievances and provide information on grievances.  
23 PERS issued a stipulated order directing they comply. At least  
24 in that case, Cal. State admitted, "Well, we did it wrong, and  
25 we're going to try to correct it."

26 In another case, the PERB administrative law judge found  
27 the CSU guilty of bad faith bargaining and failure to reduce to  
28 writing and execute grievance settlements.



1 I'll run through these quickly. I'm not going to cover  
2 all of them.

3 In 1986, the administrative law judge finds CSU guilty  
4 of violating its bargaining obligation by making repeated out of  
5 class assignments without bargaining. 1987, PERS administrative  
6 law judge finds CSU guilty of bad faith in failing to provide the  
7 union with information necessary for grievances. Another case in  
8 that year, they found the CSU guilty of violating the obligation  
9 to bargain in good faith by refusing to provide the union with a  
10 copy of comparative wage surveys that are made from time to time.

11 Let me skip over to last year and this year. A finding  
12 by an administrative law judge that CSU and the Chancellor are  
13 guilty of unlawful interference in announcing amount of new wage  
14 structure and effective date while bargaining is still going on.  
15 That's a big no-no.

16 Another judge found that their conduct was  
17 discriminatory and inconsistent in the application of mail system  
18 use regulations; found those regulations and the system to be  
19 unlawful.

20 In another case, the judge found the CSU guilty of  
21 discriminating against an employee due to his union activity.

22 In 1989, this year, found CSU guilty of discrimination  
23 against an employee for exercising her statutory right to file  
24 and publicize grievances.

25 There are one, two, three more other cases for this  
26 year, so I see a pattern here that distresses me. I've gone into  
27 this in other public hearings.  
28



1 I'd like to know, you came from a very big outfit,  
2 Pacific Tel., and were right at the top. I have a hunch that  
3 your company wouldn't have this kind of pattern.

4 I know you just came out of a strike and so forth, but  
5 that happens everywhere. Over the years, though, though I don't  
6 have specific knowledge of the telephone company's operations, I  
7 haven't heard this kind of thing consistently repeated, year  
8 after year after year.

9 I'd like to get your response to what your attitude  
10 would be. Now, these are findings by a judge. These aren't just  
11 allegations by a grievance committee or a shop steward, or  
12 anything. These are findings, so we don't have to quibble as to  
13 whether they're factually true or not.

14 How would you tackle this kind of a problem as a member  
15 of the board? Would you have some talks with management and urge  
16 them to have a more enlightened policy, similar to your own in  
17 your other area?

18 MR. SAENGER: I think as a board member one has  
19 responsibility to ensure that management, and all other parts of  
20 the operation, are working as effectively as they possibly can.

21 And if, as a Trustee, I came to the conclusion -- and  
22 this input is helpful; I'm sure there'll be other input -- but as  
23 a Trustee, I have to bear that in mind, and then would ask  
24 management to make sure I understand what was going on. I'd have  
25 to be satisfied that I was getting the right story.

26 You have come to the conclusion there's a pattern that  
27 you see based on your investigation. And if the information led  
28





1 me to that same thing, I would insist that that pattern change,  
2 because I don't believe that that's the way to have responsible  
3 union-managerial relations. To the contrary, I believe -- and my  
4 record, I think, in industry shows -- that to get the process  
5 working well, bargain in good faith; deal in good faith; deal  
6 tough, but deal fair; deal honestly. And that's where I come  
7 from.

8 SENATOR PETRIS: Well, all I'm looking for is that they  
9 follow the rules. If the rules say you're supposed to give  
10 certain notice, you give notice. If you're supposed to, you  
11 know, sit down and talk in good faith, you do it.

12 It just seems to me to be very negative and contrary to  
13 the letter and the spirit of the statute to be doing these kinds  
14 of things.

15 Now, during your meetings, do you have a period of time  
16 for discussion of pending labor problems, or do you leave that to  
17 somebody else?

18 MR. SAENGER: There is opportunity to dialogue with  
19 management on these things.

20 SENATOR PETRIS: Well, if necessary, I can provide you  
21 with some of those details. Hopefully, it won't be necessary,  
22 but I would like to see or feel that a Trustee, especially one  
23 with considerable management experience at the top level, would  
24 show some interest.

25 I think it's too late in history for these kinds of  
26 attitudes. Now, disputes you're going to have; they're  
27 unavoidable. The question is, what kind of an attitude do you  
28



1 have going into a dispute for the purpose of solving it. All I'm  
2 asking for is an attitude of fairness.

3 I sense almost a desire to undermine the statute. I  
4 call it administrative subversion. I worked hard for years to  
5 get a bill passed, and it's turned over to an agency to implement  
6 it and carry it out, and in some cases instead of doing that,  
7 they're undermining it. That's administrative subversion.

8 I see subversion going on with this kind of a pattern.

9 I've carried legislation in the field of affirmative  
10 action specifically directed at Cal. State. The record shows in  
11 the last ten years, only 89 faculty members in the Hispanic  
12 category have had tenure granted.

13 In that same period -- I want to get this correctly here  
14 -- the same ten-year period, 1977-1987, the number of Black  
15 faculty members increased by two.

16 Now, I've confronted the Chancellor with that, and I've  
17 confronted some of their top administrators, having previously  
18 talked to people in the field who know there are qualified  
19 candidates around. Now, one of their answers was, "Well, the  
20 demand is so great that we find it hard to find people because  
21 they're being placed all over."

22 I suppose there are times when that happens, but it just  
23 seems to me that they can show a better record in a system that  
24 is attractive, that operates in a state in which everybody wants  
25 to live. I mean, there are professors all over the country that  
26 would like to come here, just like there're cab drivers, and  
27 machinists, and everyone else, would love to come to California  
28 if they could get the proper job.



1 Has any of this information come to your attention  
2 during the short time you've been on the board?

3 MR. SAENGER: The answer is, there has been discussion  
4 while I've been on the board of the equal opportunity issue in  
5 the instructional ranks, the professors, and also in other parts  
6 of the system.

7 My impression is, based on the discussion, that there is  
8 a genuine concern about where they are. I think in some cases  
9 there is evidence of some progress, but as you point out, in man  
10 areas there's very obviously very little or no progress.

11 My sense is that there is a desire to do things and  
12 reach out and try new initiatives that have not been tried in  
13 order to redress that and make more progress in the future. My  
14 sense is that the recommendations in that Joint Committee report  
15 regarding outreach are in tune with what I hear and have heard  
16 around the Trustee table with management.

17 Now, the future will tell. Results are always what you  
18 finally end up looking at. But my sense now is that they do  
19 indeed mean it.

20 I'm sure there are lots of blockages. I'm sure there  
21 are lots of impediments. I've worked in larger organizations  
22 that have worked this territory very hard, made progress,  
23 sometimes painfully slow.

24 But my sense is that the attitude is right, but I can  
25 assure you that personally I am committed to moving this. I  
26 believe it's right. I believe that California is a multicultural  
27 democracy.  
28



1           One of the reasons I'm as active as I am in things is,  
2 I'm trying to do my part to make that happen and to move the  
3 agenda. That's where I am.

4           SENATOR PETRIS: I guess my purpose is primarily to  
5 alert you to what I've learned over the years.

6           MR. SAENGER: I understand that. I appreciate that.

7           SENATOR PETRIS: My legislation would have created  
8 advisory committees to come in from outside, including people  
9 from the campus appointed by the president at each campus, to  
10 help this. They fought it tooth and nail all the way, and I had  
11 a battle in every committee.

12           Now, why in the world the administration would fight it,  
13 I don't know. I know, but I think it's intolerable. Instead of  
14 saying, "Yes, the record is clear. We haven't done as well as we  
15 want. We'll welcome this new approach."

16           And after having won the battle, they persuaded the  
17 Governor to veto the bill. Well, that's okay. I've had bills  
18 vetoed, a pretty high percentage of them, as a matter of fact,  
19 especially with this Governor.

20           But it raises questions in my mind as to attitude again.  
21 Why in the world, you know, don't they admit that there are  
22 shortcomings there, and that it's good public policy to carry out  
23 a better program?

24           So, maybe you can get back to us at some time after  
25 you've had a chance to look at these. I feel satisfied that if  
26 you have anything to do with it, there are going to be some  
27 improvements there.





1 I just want to emphasize that I think it's a deplorable  
2 situation and needs improvement.

3 Now, it isn't to say that they haven't done anything.  
4 Their program to encourage students to go into teaching and come  
5 back to the campus, and thereby get a loan converted to a grant  
6 -- I forgot the name of the program -- but minority students are  
7 being encouraged to become teachers. And if they come back to  
8 the same campus to accept an opportunity for teaching, their  
9 student loan would be cancelled. I think that's a good program,  
10 and I have publicly commended the University for doing that.  
11 These are the kinds of things I'm looking for.

12 The Faculty Association is one of those that's pushing  
13 the hardest to bring about better equal opportunities there on  
14 the campus, so the board, the Trustees, if they can't find any  
15 other sources, you know, they can always look to the faculty,  
16 which is on the alert and is in contact with colleagues around  
17 the country. I think you'll find they'll be very helpful.

18 The relations there aren't good at all. I'm not the  
19 only one complaining. Senator Hart wrote a scorching letter.  
20 I've heard Assemblyman Vasconcellos, Chairman of the Budget  
21 Committee on the other side, make equally strong statements. So,  
22 it's not some personal, individual thing of my own.

23 I would strongly urge you to pay particular attention to  
24 those two fields.

25 Now, in connection with that, we know that we're going  
26 to need about 8,000 new faculty members in the near future. I  
27 forget how many years. We're looking at an age group that's  
28 retiring, plus expansion, increased enrollment.



1           It seems to me an excellent opportunity to monitor the  
2 screening and hiring policies to see that a better representation  
3 of qualified people is established. Women, they haven't kept up  
4 on the women's side either, but those two minorities are the  
5 hardest hit.

6           So, I would urge you to tackle it, and perhaps you and I  
7 can chat about it again later on.

8           MR. SAENGER: I would like to.

9           SENATOR PETRIS: Fine.

10          MR. SAENGER: I would like your input on the labor  
11 relations items, too.

12          SENATOR PETRIS: Yes, thank you.

13          Thanks, Mr. Chairman.

14          SENATOR CRAVEN: Thank you, Senator Petris.

15          Is there anyone in the audience who would like to  
16 comment? Yes, sir.

17          MR. CRIST: Thank you, Senator Craven, Members. My name  
18 is Bill Crist. I'm a professor of Economics in the Cal. State  
19 University, and I am Chairman of the California Faculty  
20 Association Political Action Legislative Committee.

21          I represent the CFA here today and the 19,000 faculty in  
22 the California State University.

23          Many of the concerns that I wish to bring before the  
24 Committee today have been most eloquently put by Senator Petris  
25 in the questions that he raised before Mr. Saenger.

26          I will tell you that I am pleased to -- with the  
27 attitude demonstrated by Mr. Saenger in his initial response to  
28 Senator Petris.



1 I want the Committee to understand that we have been  
2 working for ten years, since the passage of the Higher Education  
3 Employer-Employee Relations Act, to attempt to make the  
4 collective bargaining process work as the law intended it to  
5 work.

6 We have met considerable hurdles, some of them  
7 seemingly, perhaps, intentionally set hurdles. It is possible  
8 that there is in the Board of Trustees an agenda to thwart the  
9 collective bargaining process, to cause it to prove to be  
10 ineffective so that it can be done away with.

11 We do not believe that that attitude is the best  
12 attitude as far as the good of the students and the good of the  
13 citizens, the good of the University.

14 We understand that a person must not be an expert in  
15 collective bargaining to become a member of the Board of  
16 Trustees. We do believe, however, that a member of the Board of  
17 Trustees should have a good sense of appreciation with respect to  
18 the spirit and intent, as Mr. Petris so eloquently stated, of the  
19 law of the land as far as bargaining is concerned.

20 We were hoping that Members of the Committee would raise  
21 questions to that end with Mr. Saenger, and we're pleased and  
22 very happy that Senator Petris has done so.

23 We stand ready, I would like this Committee of the  
24 California Senate to know, and for Mr. Saenger to know in this  
25 forum, in the California Faculty Association to lend our  
26 resources and good offices to try to accomplish improved  
27 employer-employee relations in the California State University,  
28



1 and to work towards those objectives that we do stand and work  
2 hard for in the area of affirmative action and so on.

3 Without taking any more of the Committee's time, I would  
4 like to thank you for this opportunity and indicate that there  
5 are also present today two representatives of other groups of  
6 employees in the California State University that may wish to  
7 speak.

8 SENATOR CRAVEN: Fine, thank you very much, sir.

9 Next witness, please. State your name.

10 MR. TOLAND: Mr. Chairman, Members of the Committee, my  
11 name is John Toland. I'm the Administrator for the CSU division  
12 of the California State Employees Association.

13 I must add that I'm very pleased to hear Mr. Saenger  
14 respond favorably to your questioning, Senator Petris. We are  
15 some of the people that were involved in some of the cases that  
16 you spoke to, and we have been here consistently trying to get  
17 collective bargaining cleaned up at CSU with the help of the  
18 Legislature.

19 Last year, we went through a year of collective  
20 bargaining. It was dragged out an inordinate amount of time. We  
21 found that during that time, we had -- our parking fees were  
22 doubled without negotiation, without bringing it to the table.  
23 The MSAs, who are the people that we represent, were denied on  
24 the basis of moving \$10 million to other places in the CSU  
25 budget, and the people that suffered are the 13,000 people that  
26 we represent, mostly women and minorities. They're the people  
27 that lose every time that kind of thing happens and collective  
28 bargaining doesn't work.





1           We were assured by the CSU administration and the  
2 Chancellor that they were going to do everything they could to  
3 improve labor relations with the six unions that represent the  
4 people at CSU. However, we find that we cannot get them to sit  
5 down and bargain on issues such as you talked about, Senator  
6 Petris.

7           Recently, we found out that they had a covert attendance  
8 control, cost control program installed at one of the campuses,  
9 Northridge campus, while we were at the bargaining table. They  
10 refused to bring that issue to the bargaining table. When we  
11 tried to reopen the issue of sick leave and reporting, management  
12 said, "No, we want that to stay the way it is." And then they  
13 had, on the Northridge campus, they had very major changes in  
14 that whole process. They hired a consultant from the East Coast  
15 at about a half a million dollars to implement this program, and  
16 we see it as it's going to be a system-wide program before the  
17 end of the year. They've now moved it to San Luis Obispo, and in  
18 talking to some of the folks here today, I found out that they're  
19 facing the same issues on some of the other campuses.

20           So, we hope that we can improve the employee relations  
21 atmosphere at CSU. We want to. We work very hard to try to do  
22 that. But as long as they unilaterally make these changes, we've  
23 had no where to go but come here for help.

24           Now, we've come here to testify. We had one of our  
25 people at the San Luis Obispo campus testify on personnel  
26 practices. She's been informed that she's going to be terminated  
27 at the end of this month. She was assured by Senator Torres that  
28



1 that would not happen, but we find that it is going to happen  
2 now. After seven years of employment, they're finding that they  
3 no longer have a job for her. We'll be trying to address that  
4 with Senator Torres to see if he can help us out with that.

5 When we came here to testify on personnel practices last  
6 year, after negotiating a contract for a year, we were told that  
7 management, while agreeing to the contract, would not implement  
8 the contract if we continued to come to the Legislature to  
9 testify. They said for the term of that contract, we were not to  
10 come to the Senate or the Assembly with our problems. We said  
11 that's not the correct thing to do. It's a violation of our  
12 rights, and it's a violation of what the intent of the law is.

13 So, those are the kind of things that we say we need  
14 help with at the Trustees level. We would hope that the people  
15 that are appointed and approved to be Trustees would take those  
16 issues seriously and give us some help in changing the attitude  
17 of the people that run CSU.

18 That's why I'm here to testify today, thank you.

19 SENATOR CRAVEN: Fine, thank you, Mr. Toland, very much.

20 Yes, sir. May I ask you, please, that you try to keep  
21 your remarks brief as possible.

22 MR. MANZELLA: My name is Joseph Manzella. I represent  
23 the State Employees Trades Council, which is the skilled trades  
24 workers at the CSU system.

25 Basically I concur with the remarks that have gone on  
26 here today. We also have run into major problems with dealing  
27 with the CSU, simple things like apprenticeship for women and  
28



1 Blacks, and the whole apprenticeship program gets bogged down  
2 because the CSU cannot find a position after five years.

3 Simple things like safety, where when we, the union, are  
4 willing to pay for a person to be trained and taught, and the  
5 person is willing to take his own time off to go through this  
6 training, the CSU, when they find out that we're sending him to  
7 training, denies his vacation.

8 This is the kind of problems we've been running into.  
9 We've run into some major problems when we are willing to work  
10 with, and the CSU constantly says, "We're tied up. We don't want  
11 to work with you."

12 So, not to drag it on, we've heard it, the horror  
13 stories and everything. Basically, we look for you to look into  
14 the issues and to try to help change the present attitude.

15 I concur with the members and with what Senator Petris  
16 has already said.

17 SENATOR CRAVEN: Fine, thank you, Mr. Manzella.

18 Anyone else? There appears to be no one.

19 SENATOR PETRIS: A very brief statement.

20 SENATOR CRAVEN: Senator Petris.

21 SENATOR PETRIS: This issue has really created a lot of  
22 anguish for me. You know, on the one hand, I have this reverence  
23 for a university. I come from a tradition that began with Plato  
24 on one end of the log and a student on the other. And the  
25 reverence for scholarship has persisted throughout.

26 So, I view the University as a hallowed place, but I see  
27 them as a mean-spirited manager with respect to labor-management  
28 relations, on the other hand, and that upsets me.



1 And I have a personal stake in this, and that is, I'm  
2 tired of being thrown into the middle of disputes that never  
3 should come before our committee and the budget process. They  
4 ought to be handled in the normal manner.

5 If some of the Trustees would take an interest and try  
6 to change that attitude, it doesn't mean siding with labor on  
7 every dispute. We're talking more about attitude and style, and  
8 the mechanics of solving the problem, rather than what the score  
9 is on each particular issue. I mean, that's secondary to me, and  
10 I think it is to them. I think if they have a feeling that  
11 they're being fairly treated, they can take their lumps when they  
12 lose on an issue here and there. But it's these other things. I  
13 won't elaborate any more than that.

14 With that, I wish you well.

15 SENATOR CRAVEN: Thank you, Senator Petris.

16 SENATOR BEVERLY: Move the Committee recommend approval  
17 of the confirmation.

18 SENATOR CRAVEN: Senator Beverly moves. Further  
19 discussion? Call the roll.

20 SECRETARY WEBB: Senator Beverly.

21 SENATOR BEVERLY: Aye.

22 SECRETARY WEBB: Senator Mello. Senator Petris.

23 SENATOR PETRIS: Aye.

24 SECRETARY WEBB: Senator Craven.

25 SENATOR CRAVEN: Aye.

26 SECRETARY WEBB: Senator Roberti.

27 Three to zero.  
28





1           SENATOR CRAVEN: Three-zero; the nomination is  
2 recommended to the Floor.

3           Thank you, Mr. Saenger, very much.

4           Next is Lynnel Pollock, Member, Industrial Welfare  
5 Commission.

6           Ms. Pollock, if you'll tell us why you feel you're  
7 qualified for this Commission, this activity.

8           MS. POLLOCK: Thank you.

9           Good afternoon, Senators. My name is Lynnel Pollock.

10          I am currently serving on the Industrial Welfare  
11 Commission. I was appointed originally in 1983.

12          My background, I am a management appointee to the  
13 Commission, and my husband and I are owner/operators of a farm in  
14 Yolo County.

15          I have been very involved with the wage and hour issues  
16 over the years and continue to follow them and be interested in  
17 this.

18          SENATOR CRAVEN: Very well, thank you.

19          Do you have any questions, Senator Petris?

20          SENATOR PETRIS: Yes.

21          Mine will be more brief this time.

22          I'm interested in the mission of the Industrial Welfare  
23 Commission and your interpretation of it.

24          MS. POLLOCK: Okay.

25          SENATOR PETRIS: How do you see your role? What is your  
26 main --



1 MS. POLLOCK: The basic role of the Commission is to set  
2 the wage and hour law for the State of California. We cover the  
3 private sector.

4 SENATOR PETRIS: What's the standard? What is the  
5 statutory goal?

6 MS. POLLOCK: To ensure fair employment, both for fair  
7 treatment for the employees and a fair workplace from the  
8 employer's standpoint so that they have an opportunity to  
9 continue fair treatment of their employees and not be penalized  
10 by those who do not do so.

11 SENATOR PETRIS: A big part of that is adequacy of pay;  
12 isn't it?

13 MS. POLLOCK: That's true, the minimum wage issue is one  
14 of our largest.

15 SENATOR PETRIS: Minimum wage, we're looking for a wage  
16 that is adequate to supply the necessary cost of proper living.

17 Current minimum is \$4.25 per hour.

18 MS. POLLOCK: That's true.

19 SENATOR PETRIS: I notice you voted against raising it  
20 to that level.

21 MS. POLLOCK: I voted --

22 SENATOR PETRIS: Do you think that's unreasonable?

23 MS. POLLOCK: I voted against raising it to that level.  
24 I did support an increase in the minimum wage, however. We had  
25 several motions before we did reach a majority on that.

26 SENATOR PETRIS: What did you feel was an adequate  
27 amount below that?  
28



1 MS. POLLOCK: I was -- I would have felt that \$4 an hour  
2 would be the highest at that point that I would have felt  
3 comfortable in voting for.

4 SENATOR PETRIS: What's the national one now?

5 MS. POLLOCK: The national is still at 3.35.

6 SENATOR PETRIS: The President vetoed the one that  
7 Congress passed; right?

8 MS. POLLOCK: That's true, yes.

9 SENATOR PETRIS: All right, that's the only question I  
10 have. Thank you.

11 SENATOR CRAVEN: Very well.

12 SENATOR BEVERLY: Move the approval of the confirmation.

13 SENATOR CRAVEN: Very well, any other testimony? There  
14 appears to be none.

15 Call the roll.

16 SECRETARY WEBB: Senator Beverly.

17 SENATOR BEVERLY: Aye.

18 SECRETARY WEBB: Senator Mello. Senator Petris.

19 SENATOR PETRIS: Aye.

20 SECRETARY WEBB: Senator Craven.

21 SENATOR CRAVEN: Aye.

22 SECRETARY WEBB: Senator Roberti.

23 Three to zero.

24 SENATOR CRAVEN: Congratulations, Ms. Pollock.

25 MS. POLLOCK: Thank you.

26 SENATOR CRAVEN: Next is William R. Channel, Member,  
27 Board of Directors, Hastings College of the Law.



1 Did I pronounce your name properly?

2 MR. CHANNEL: You were very close.

3 SENATOR CRAVEN: Oh, I didn't.

4 MR. CHANNEL: It's Channel.

5 SENATOR CRAVEN: I'm sorry. I thought that was too  
6 easy, and I went the wrong way. Excuse me, Mr. Channel.

7 Please follow as you've heard the others.

8 MR. CHANNEL: Very well.

9 I will, I hope, without any objection give my  
10 abbreviated statement of why I would like to serve and feel  
11 qualified to serve as a member of the Board of Directors of  
12 Hastings.

13 I've been a trial lawyer for a lot of years and a trial  
14 judge for more years. And I'm now on the Appellate Court, and  
15 I've had an interest in young lawyers and legal education, and  
16 working with the CEB for a number of years. Since I've been in  
17 the Appellate Court, I've worked actively in the Hastings Extern  
18 program, have always had one or two Hastings students working for  
19 me.

20 I feel that an area where law schools, including  
21 Hastings, could strengthen themselves is in teaching the law  
22 students the professional skills and the practical side of  
23 practicing law, so when they graduate, they're better equipped to  
24 cope with what they'll have to cope with with the court system.

25 And finally, I haven't been as active as I would like to  
26 have been with my alma mater, Hastings, and I feel still very  
27 close to Hastings and a number of my fellow alumni. And now, in  
28





1 a time where I think that they need some help with dealing with  
2 some difficult problems, I want to have an opportunity to serve.

3 And I have no agenda beyond that.

4 SENATOR CRAVEN: Very well, thank you very much, sir.

5 Senator Petris.

6 SENATOR PETRIS: Well, let me say that I've known  
7 Justice Channel for more years than either of us wants to admit,  
8 since the early days of practicing law in Oakland. I've always  
9 had a very high regard for him, and I have absolutely no  
10 objection to his appointment. I think he'd be an outstanding  
11 Board member.

12 There is an institutional defect that is going to be  
13 discussed which has no bearing on Justice Channel whatsoever.  
14 I'd prefer to hold off any further comment until one of the  
15 witnesses has had an opportunity.

16 But I'm happy to welcome him here.

17 MR. CHANNEL: Thank you, Senator.

18 SENATOR PETRIS: He's had a distinguished career, both  
19 as an attorney and as a judge, and an Appellate Court Justice as  
20 well.

21 SENATOR CRAVEN: Senator Beverly.

22 SENATOR BEVERLY: No questions.

23 SENATOR CRAVEN: Would you care to make a motion?

24 SENATOR BEVERLY: I understood a witness was going to  
25 testify.

26 SENATOR CRAVEN: Well, we can do it now if you wish. I  
27 thought we were going to do it separately, but that's all right.



1 Do you wish to make comment at this time, Mr. Coutin?

2 MR. COUTIN: Sure.

3 My name is Gary Michael Coutin. I'm Hastings Class of  
4 '72. I am a resident of Hastings, illegally dispossessed by the  
5 alumni of the University of California masquerading as judges,  
6 including Mr. William Channel. He's masqueraded as a judge in a  
7 case that bears upon my situation, which is the McKeon case,  
8 dealing with the relocation benefits.

9 I have the memo -- I've received a memo from Bion  
10 Gregory, Legislative Counsel, today which states that the act  
11 under which the Senate Rules Committee will act today is  
12 unconstitutional. I have a few comments to make about this  
13 memorandum.

14 First of all, it's seven pages long. It's precisely the  
15 same length as the enrolled opinion, the opinion on the enrolled  
16 bill. It is almost verbatim the language of the enrolled bill.  
17 There are a few changes in it from the opinion in the enrolled  
18 bill, and I want to make comments on those.

19 First of all, it says that:

20 "The nature of the University of  
21 California and Hastings College of  
22 the Law has not been fully defined."

23 That is correct. It's never been defined at all. It's a totally  
24 undefined area, and every scholar who's ever investigated this,  
25 and every book that's ever been written -- the centennial work on  
26 Hastings, written in 1978 -- says that the relationship is  
27 ambiguous and undefined. The Auditor General's Report of 1986  
28



1 that investigated Hastings for diversion of a million dollars of  
2 student scholarship money to buy up property in the tenderloin  
3 said that the relationship between Hastings and the University is  
4 undefined.

5 The second part that I want to comment on is to -- it's  
6 not only Legislative Counsel that thinks that the Act of 1980 is  
7 unconstitutional. Hastings itself says that the Act of 1980 is  
8 unconstitutional, and they say so in their brief in the Tafoya  
9 case, which is referred to at page 4 of the opinion. In the  
10 brief that the University submitted in Tafoya, at page 13,  
11 footnote 9, it says:

12 "Hastings believes that the 1980  
13 legislation changing the composition  
14 of the Board is unconstitutional, and  
15 that People vs. Kewen is directly on  
16 point."

17 And I agree, that is correct. People vs. Kewen is directly on  
18 point, and Kewen says, quote:

19 "Article 9, Section 9 does apply  
20 to Hastings is being both on this  
21 court and the Legislature under  
22 Auto Equity,"

23 which is a case that stands for the principle of stare decisis.  
24 That is, the Supreme Court of the State of California, in 1886,  
25 said that you cannot alter the governance of the Hastings College  
26 of the Law by ordinary legislative enactment because it's part of  
27 the University of California. Therefore, the law has not  
28



1 changed. The Supreme Court has never changed its mind;  
2 circumstances have not changed. Therefore, any law passed which  
3 changes the governance of Hastings College, such as Chapter 1155,  
4 the Act of 1980, is unconstitutional.

5 Now, the University also says that, and I'll be  
6 submitting this brief of documents in which the University gives  
7 the same opinion. This is in the Siciliano case, which came up  
8 in 1976, in which the University did not want to extend the  
9 coverage of its insurance policy to Hastings College of the Law.  
10 Hastings occupied a property that was owned by the Regents. The  
11 regents, as the owners of the property, had an insurance policy.  
12 Hastings did not pay rent. Hastings could not get a leasehold.  
13 They didn't lease the property; they just simply occupied it.  
14 So, they couldn't get a leasehold insurance.

15 The question is whether the State of California was  
16 going to pay double: once for the insurance premium for the  
17 Regents, and once for the damages that resulted from the  
18 Siciliano case.

19 The State of California paid double, both for the  
20 damages and for the insurance policy, which didn't cover the  
21 damages because of the defective relationship between Hastings  
22 and the University of California.

23 Now, in the Siciliano case, the University Council,  
24 through Crosby, Heafey, Roach & May, which represented the  
25 University, and is now representing Hastings College -- switching  
26 back and forth -- but Crosby Heafey firm wrote:  
27  
28





1 "If the Regents control Hastings,  
2 and Hastings is a part of the  
3 University, why was Assembly Bill  
4 3343 recently signed by the Governor  
5 in Sacramento? The subject matter  
6 of that bill, which restructures  
7 the Hastings Board of Directors, is  
8 hardly the province of the Assembly  
9 if the Regents control Hastings."

10 And it goes on to quote the language of Article 9, Section 9, and  
11 it says:

12 "If Hastings is simply another  
13 undifferentiated arm of the University,  
14 then all of the legislation passed  
15 since 1918 concerning it, including  
16 Assembly Bill 3343, is unconstitutional."

17 I agree with that. All the legislation enacted, to this extent.

18 Where the Legislature passes legislation, for instance,  
19 in the Political Code or the Education Code, and it's the same as  
20 the organic act of the University or of the Hastings College of  
21 the Law, the subsequent code section is not unconstitutional. It  
22 merely places the language from the organic act in the place  
23 where it's more accessible in a political or educational code,  
24 where it could be broken down and referred to.

25 So, just the mere fact that you pass legislation which  
26 is on subject matter that's contained in the organic acts of the  
27 University does not by itself make it unconstitutional.  
28



1       The problem is not when the two acts are the same, but  
2 when they are different. That is, when you seek to deprive the  
3 University of a power, or you seek to impair the governance of  
4 the University, then you run up against the constitutional  
5 questions, and that's where the barrier comes in. Kewen's case,  
6 1886, you cannot alter the governance of Hastings College of the  
7 Law because it's part of the University of California. The  
8 Constitution, Article 9, Section 9, prohibits it.

9       Now, with respect to this particular question, where is  
10 the root of the problem? I want to get to the root of the  
11 problem instead of dealing with these abstractions, which is the  
12 governance of Hastings.

13       The root of the problem is the relationship between  
14 Hastings and the University of California, which was established  
15 to be one of affiliation, and that means subordination control.  
16 That is, Hastings was supposed to come into existence and then  
17 agreed to a subordinate place in the University. And that is  
18 logically required by virtue of the fact that Hastings was  
19 always, always, to be the Law Department of the University.

20       You can't be a department of something and then be  
21 independent of the thing of which you are a department, because  
22 the department connotes subordination. It connotes a wholeness  
23 -- a subdivision of something that is a larger whole.

24       The University is supposed to speak with one mind. That  
25 is the nature of the concept "university." That's the oneness,  
26 the unit of it.

27  
28



1 Hastings is a diversity, because Hastings speaks for  
2 itself in this chamber and exercises power of Article 9,  
3 Section 9, and it has no -- it's not mentioned in Article 9,  
4 Section 9. So, Hastings is exercising constitutional power  
5 without any authority whatsoever.

6 The University of California is the coordinate branch.  
7 The Legislature can only deal with the Regents of the University  
8 of California, which is the only authorized agency under  
9 Article 9, Section 9.

10 That's like, if you dealt with a foreign army, and you  
11 started dealing with a corporal instead of dealing with its  
12 generals. You can only -- at the coordinate level, you can only  
13 deal with the governance of the University.

14 SENATOR PETRIS: Question, Mr. Chairman.

15 SENATOR CRAVEN: Yes, Senator Petris.

16 SENATOR PETRIS: We've been through some of this before.

17 MR. COUTIN: Right.

18 SENATOR PETRIS: I think you established some excellent  
19 legal positions, one of which is affirmed by the letter you just  
20 referred to that we received today from our Legislative Counsel  
21 on one of the points.

22 MR. COUTIN: Precisely.

23 SENATOR PETRIS: My question is, how is this relevant to  
24 today's proceedings affecting Justice Channel's appointment?

25 MR. COUTIN: Obviously, if you appoint him today, you're  
26 performing an unconstitutional act, which I am seeking in court,  
27 at this moment, to set aside, and there is a demurrer pending  
28



1 between me and Mr. Channel: whether or not he -- can he ever be  
2 appointed in this manner to the Board of Directors of Hastings  
3 College.

4 Now, I think Senator Beverly mentioned at one point in  
5 time that there is no old-boy network. And I started to  
6 calculate what's the odds of getting 8 Directors of Hastings  
7 College alumni -- 8 Directors positions at Hastings College of  
8 the Law filled by only alumni. And I calculate from the general  
9 population of the State of California that it's probably 1 in 64  
10 quadrillion that you're going to get 8 alumni at random, and  
11 they're all going to be Directors of Hastings College. Hastings  
12 College only has 10,000 alumni.

13 SENATOR PETRIS: But your complaint isn't based on the  
14 old-boy network.

15 MR. COUTIN: Yes, that's part of it. That's part of the  
16 problem.

17 SENATOR PETRIS: That's a holdover from the private  
18 trust; isn't it?

19 MR. COUTIN: That's a holdover from the private trust.

20 What I'm saying is that William Channel is here today  
21 simply because he is part of this old-boy network and not because  
22 he could run a law school.

23 I think that what you said before about getting some  
24 outsiders on the Board of Directors of Hastings College is  
25 precisely what's required. There hasn't been any minority ever:  
26 no Black, no Hispanic on the Board of Directors of Hastings  
27 College. There's only been one woman in its history who was  
28









1 appointed. Rose Bird was by virtue of her ex officio  
2 relationship, but only one woman was ever appointed, and only one  
3 non-alumni of Hastings, and he was Robert Sproul, the son of John  
4 Sproul, the President of the University for 30 years. So, he's  
5 definitely connected to the University again.

6 The problem is that there is -- the old-boy network is  
7 seeking to cover up the basic problem, which is the failure of  
8 Hastings to affiliate to the University of California and come  
9 into control. The relationship is one of control.

10 Now, if you ask the Regents, "Do you control Hastings,"  
11 they will say, "No," and I have a number of agreements here in  
12 which the Regents say -- expressly they deny that they have  
13 control over Hastings College. In their trial brief they denied  
14 having control. When Art Agnos wrote the President of Hastings  
15 -- of the University of California and said, "Why doesn't  
16 Hastings follow your trust and endowments policy? They've  
17 embezzled all this money," President Gardner said, "We don't  
18 control Hastings College. We have no right to control Hastings  
19 College."

20 But what Charles Morgan said in the Siciliano case is,  
21 it isn't whether you actually control, but whether you have the  
22 right to control that determines the outcome and the relationship  
23 of Hastings College to the University. And the University has a  
24 right to control; that is, the Regents of the University have a  
25 right to control Hastings College. If they choose not to, that  
26 is negligence, malfeasance on their part, and the Regents are  
27 liable for that malfeasance.

28



1           SENATOR PETRIS: What is the proper appointing authority  
2 in your opinion?

3           MR. COUTIN: The property authority at this point in  
4 time, we would have to reconstruct Hastings College by removing  
5 all the Directors who were put on the Board of Directors  
6 illegally by this process, this unconstitutional process of  
7 Governor nomination and Senate approval. This is totally -- what  
8 you have here is --

9           SENATOR PETRIS: What should it be?

10          MR. COUTIN: What you have here is a Dartmouth College  
11 case, 1819, Supreme Court of the United States. You cannot alter  
12 the governance of Dartmouth College and turn it into a university  
13 and have the Legislature of New Hampshire appoint the regents of  
14 Dartmouth University. That's the Dartmouth College case. That  
15 was cited in the Foltz case, which was the first case dealing  
16 with Hastings College. You have private trust; you cannot alter  
17 it.

18          You're asking what is the mechanism, and I've done some  
19 more research since you asked about that question, and it may be  
20 possible to reconstitute the Board of Directors around the only  
21 legitimate member of the Board of Directors presently sitting,  
22 who is the heir of Hastings. The heir of Hastings was on under  
23 the original organic act of Hastings, 1878, and he's still on the  
24 Board of Directors now.

25          Under Corporations Code 305, you can reconstitute a  
26 Board of Directors around that person, because unless you have a  
27 total failure of a trust -- that is, if you had no directors who  
28



1 were legitimate -- you would have a total failure of trust, that  
2 all the property would go to the Regents of the University of  
3 California to be reconstituted as part of the University of  
4 California, as an integral part of the University.

5 However, because you have the heir of Hastings who's a  
6 legitimate Director, and I haven't sued him for that reason, you  
7 can reconstitute the Board around him, Corporations Code 305.  
8 That's a possibility.

9 But there are other problems with Hastings College: the  
10 missing \$100,000. There is no Hastings trust. That money was  
11 deposited into the State Treasury in 1878. The Treasurer, the  
12 Controller, and the Department of Finance all deny that the money  
13 is on deposit there, or that they have any records of that. If  
14 it is on deposit, they have no record of it.

15 That means there might not be a Hastings trust. It may  
16 be that the entire house of cards is going to collapse, as I said  
17 before. I talked about Humpty Dumpty: it may be impossible to  
18 put Hastings College back together again. It is reeking with  
19 defects, constitutional defects.

20 SENATOR CRAVEN: Senator Petris, do you have anything  
21 further?

22 SENATOR PETRIS: Well, I don't want to take any more  
23 time on this. Some of this information and opinion we've  
24 received before.

25 What troubles me is our own Counsel's opinion that says  
26 the Knox Act was unconstitutional, and it was written at the time  
27 the bill was going through, and it was written again when the  
28





1 bill was submitted to the Governor prior to enrollment and  
2 signing.

3 SENATOR CRAVEN: Right.

4 SENATOR PETRIS: It just seems to me, instead of  
5 ignoring this question, we ought to meet it somehow. I don't  
6 know how. Maybe have a meeting with our Legislative Counsel,  
7 maybe with counsel of the University, the leadership of the  
8 Senate, and have a huddle and thrash this out.

9 SENATOR CRAVEN: Let me ask you a question, if I may,  
10 and I certainly defer to your judgment.

11 Based on what we've heard from Mr. Coutin, not only  
12 today but in times past, and I know that triggered activity on  
13 your part where you did considerable investigation into it to  
14 make a determination as to the efficacy of what he has contended,  
15 and based on Gregory's analysis and opinion today, would you  
16 prefer that we take a time and defer on passing a judgment on  
17 this --

18 SENATOR PETRIS: Yes, I would.

19 SENATOR CRAVEN: -- nomination today?

20 SENATOR PETRIS: I'm comforted by the fact that Justice  
21 Channel has a considerable amount of time to go. He's not up  
22 against a deadline. If he were up against a deadline, then we'd  
23 really have a problem.

24 But we could take some time and look this over, and at  
25 least explore it. We may not even come up with a decision, then  
26 call him back and complete the proceedings.

27 SENATOR CRAVEN: Yes.  
28



1           SENATOR PETRIS: Again, I'm emphasizing I have nothing  
2 but the highest regard for him, and I intend to support his  
3 nomination if I'm satisfied it's legal.

4           SENATOR CRAVEN: Yes.

5           SENATOR PETRIS: But I don't want to see Hastings  
6 collapse like a house of cards. I don't want to go down that  
7 path.

8           SENATOR CRAVEN: Of course, if I understand what has  
9 been said, if the Justice's nomination may be illegal, those  
10 persons who are presently serving are equally illegal.

11           So, it doesn't really make you exclusive.

12                               (Laughter.)

13           MR. CHANNEL: Well, I want to make it clear that I don't  
14 intend to respond to Mr. Coutin's remarks, but failure to respond  
15 does not mean I agree with some of the personal remarks he made,  
16 nor do I intend to express an opinion, nor do I have a  
17 professional opinion as to the constitutionality of my  
18 appointment.

19           But my silence and failure to respond to some of what  
20 Mr. Coutin said, and what he said about me in the five or six  
21 times he's sued me so far in my various capacities, does not  
22 indicate agreement with what I've heard.

23           SENATOR CRAVEN: I understand.

24           SENATOR PETRIS: That's why I refrained from asking him  
25 any questions, as a matter of fact. I didn't want to get you  
26 into that.

27

28



1           If the Members think that's a reasonable course, I think  
2 we have several months ahead of us. It seems to me we ought to  
3 face up to this instead of ignoring it.

4           SENATOR BEVERLY: Is there litigation pending now?

5           SENATOR PETRIS: Yes.

6           MR. CHANNEL: There's at least -- I've been sued at  
7 least five times in different capacities, and if there is a  
8 demurrer pending, whatever law firm has been assigned my defense  
9 has not told me about the demurrer, so I cannot comment about it.

10          But yes, there are a number of cases.

11          SENATOR BEVERLY: Does the litigation question your  
12 authority to sit as a member of this body?

13          MR. CHANNEL: I believe Mr. Coutin and I would agree on  
14 one thing, yes, there is litigation.

15          SENATOR PETRIS: Not only his authority, but the entire  
16 Board except the heir.

17          MR. CHANNEL: I'm not the only named defendant in these  
18 cases, I should say.

19          MR. COUTIN: I have opening and closing briefs on this  
20 particular question, and I will be happy to pass it out to the  
21 Committee or to any Member.

22          SENATOR CRAVEN: If you would give it to the Sergeant,  
23 please. It will become a part of the record and available for  
24 those Members who may wish to peruse it.

25          SENATOR PETRIS: I don't want to prolong this any more.  
26 I know he's been waiting all day, ever since the start of the  
27 meeting, and others have.



1 I think the point has been made as to what the issues  
2 are. I think we ought to put it over and take a look at that.  
3 If the Committee disagrees, then we can go ahead and appoint him  
4 and add him to the list of, quote, "illegal members," close  
5 quote, and hope to resolve it later on.

6 SENATOR CRAVEN: Well, I hope that Justice Channel, as  
7 well as Mr. Coutin, will understand if we defer a judgment on the  
8 issue of the nomination today.

9 And if my colleagues will agree, we will put the matter  
10 over. Do you have any objection, Senator Beverly?

11 SENATOR BEVERLY: No objection.

12 SENATOR CRAVEN: Senator Petris?

13 SENATOR PETRIS: No objection.

14 SENATOR CRAVEN: Then we'll order that this matter be  
15 held over, and we shall advise both interested parties as we go  
16 as to what has been determined and when we shall meet again on  
17 this subject area.

18 Very well, thank you very much.

19 (Thereupon this portion of the Senate  
20 Rules Committee hearing was terminated  
21 at approximately 5:13 P.M.)

22 --oo0oo--  
23  
24  
25  
26  
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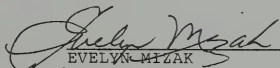
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That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

24<sup>th</sup> day of August, 1989.

  
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27 Evelyn Mizak  
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APPEARANCES

MEMBERS PRESENT

SENATOR DAVID ROBERTI, Chairman

SENATOR WILLIAM CRAVEN, Vice Chairman

SENATOR ROBERT BEVERLY

SENATOR HENRY MELLO

SENATOR NICHOLAS PETRIS

STAFF PRESENT

CLIFF BERG, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Governor's Appointments

ALSO PRESENT

SENATOR GARY HART

MANUEL DE MARIA, Member  
California Regional Water Quality Control Board  
Central Coastal Region

WILLIAM E. LEONARD, Member  
California Transportation Commission

GEORGE H. RATHMELL, Member  
California Regional Water Quality Control Board  
Central Coastal Region

RONALD E. KOENIG, Member and Chair  
Board of Prison Terms

EDMUND Y. TONG, Member  
Board of Prison Terms

LORRIE I. WARD, Member  
State Personnel Board

J. GARY SHANSBY, Member  
Board of Trustees for the California State University



APPEARANCES (Continued)

DAVID H. ANDERSON, President  
Homeowners Association

PATRICK NICHELSON, President  
California Faculty Association

JOHN TOLAND, Administrator  
California State Employees Association  
CSU Division



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P R O C E E D I N G S

--oo0oo--

SENATOR CRAVEN: Now we go to the Governor's Appointees appearing today.

Senator Hart, you had requested an opportunity to speak, I'm presuming, relative to the nominees; is that correct?

SENATOR HART: That's correct.

SENATOR CRAVEN: Will you please do that now, sir.

SENATOR HART: Thank you, Mr. Chairman.

There are two persons who are from the Central Coast Regional Water Board who are up for Senate confirmation. Normally these appointments, an appearance by them would not be required.

I requested of the Rules Committee that these two individuals that are up for reappointment appear before the Rules Committee and respond to concerns and questions that I have and, I hope, some of the Members of this Committee might have.

I should state for the record that I don't think that I've ever appeared in this capacity before in my 15 years in the Legislature to -- I won't say oppose, but at least bring to the Committee's attention concerns that I have about a regulatory agency of the State, and to do so through the confirmation process.

And I think it's appropriate to do so, both because I think we need to increase our oversight responsibilities as it relates to the confirmation process, and also because, speaking not only for myself but for many of my constituents in the 18th



Senate District, there's a growing sense of sort of frustration and lack of credibility with this particular board as it relates to some of its activities to enforce the water quality laws in the State of California.

There are a whole series of materials that are part of your packet that I and my staff have helped put together. There is also an editorial from the local newspaper that I'd like to have passed out that relates to a major newspaper in our area; it comments about the activities of this particular board.

There are three cases that are listed in your book that are of concern me that I've had some direct experience with. One is called Sandyland, which relates to pollution in the Carpinteria Marsh, which is one of the most critical environmental bodies that we have in the 18th Senate District. Another is called Mission Industries in downtown Santa Barbara. And a third is called the Casmalia Resources dump issue.

In each of these instances, it's my judgment and the judgment of others that the Board has not been very rigorous in monitoring the activities of these polluters or potential polluters. They have not taken action in a timely fashion. There have been instances where there have been problems, and it seems as if it takes years and years, in some instances in Sandyland 12 years, before we get any action, which is just intolerable. It's just not acceptable.

And we also have a situation where the fine schedule that's put forward sometimes when people are guilty strikes me as terribly inadequate. In my understanding, in all cases what the





1 staff recommends to the Board is rarely followed in terms of what  
2 their recommendation is. There is almost always a diminishment  
3 of what the fine recommendation is by the staff.

4 It just strikes me that we have a weak Board as it  
5 relates to these kinds of difficult issues.

6 I wanted to also mention, I have a constituent who I  
7 want to introduce in one second to the Members, but I also wanted  
8 to point out to the Members a couple of other concerns as I sort  
9 of try and understand this process a little bit better, and I  
10 certainly don't have a lot of expertise.

11 But as I look at the makeup of this Board, one of the  
12 things that I've heard Senator Roberti comment on other  
13 appointments that come before the full Senate for confirmation is  
14 the importance of affirmative action. I note that in my  
15 Senatorial District, and I believe throughout this region, that  
16 make-up of this particular area is approximately 25 percent  
17 Latino or Hispanic. There are no Hispanic members on this Board  
18 currently, and as we researched the record, in almost, I think,  
19 25 years of this Board's existence with dozens of members, we've  
20 only had one Hispanic appointment. This Board currently has nine  
21 members, eight of whom are male, one of whom is female, and I'm  
22 concerned that this is kind of business as usual. We have three  
23 white males that are up for appointment. That, in and of itself,  
24 is maybe not grounds enough for denial, but in light of some of  
25 the other things that I'm concerned about, it seems to me that it  
26 is noteworthy to mention.

27  
28



1           The last point that I would like to make before  
2     introducing my witness, in taking a look at the specific  
3     requirements under the law that these particular appointees are  
4     supposed to meet, I note that one of the appointments,  
5     Mr. Rathmell, who is up today, is supposed to be a person who has  
6     special competence in areas related to water quality problems.  
7     Looking at Mr. Rathmell's qualifications, the resume that he  
8     submitted, I see no notation of any special qualifications that  
9     he has in that regard, and it seems to me that we ought to be  
10    following the law as it relates to some of these kinds of  
11    requirements. At a minimum, asking for people's expertise or  
12    special experience in these areas seems to me to be quite  
13    appropriate.

14           With those opening remarks, and I appreciate the  
15    indulgence of the Chair and the Members, and expressing my  
16    concerns, I'd like to introduce, if I may, Mr. Chairman, a  
17    constituent of mine, Mr. David Anderson, who's had some  
18    first-hand experience with some of these problems. Mr. Anderson  
19    is the President of the Homeowners Association that's been  
20    involved with some of these issues as it relates to the Sandyland  
21    Nursery issue, which is part of the background information that  
22    the Committee Members have.

23           Mr. Anderson is an attorney, and he's also currently a  
24    member of the Santa Barbara City Planning Commission.

25           SENATOR MELLO: Mr. Chairman, again I apologize for  
26    interrupting.



1 I was in error when I suggest that Mr. Peace wait for  
2 Senator Roberti. I learned that he is not in opposition.

3 (Thereupon the Rules Committee acted  
4 upon legislative agenda items.)

5 CHAIRMAN ROBERTI: Senator Hart.

6 SENATOR CRAVEN: Mr. Chairman, before you begin, Senator  
7 Hart and the gentleman to his right, Mr. Anderson, are here in  
8 relation to Governor's Appointees, two of whom come from the area  
9 represented by Senator Hart.

10 Senator Hart made some preliminary comments dealing with  
11 the conduct of the Water Quality Control Board in the Central  
12 Coastal Region, and Mr. Anderson is prepared to make some  
13 statements along those lines as well.

14 I was going to suggest, when we ran into other business  
15 here, that Senator Hart join us here, and let Mr. Anderson  
16 testify when those people come forward to testify following the  
17 comment of the nominees.

18 Is that all right with you? Very well.

19 CHAIRMAN ROBERTI: Senator Craven, maybe we should do  
20 the rule waivers before we go to the Governor's Appointees.

21 (Thereupon the Rules Committee acted  
22 upon legislative agenda items.)

23 CHAIRMAN ROBERTI: Senator Hart, we were in the middle  
24 of your presentation on Manuel De Maria and George Rathmell. We  
25 will start with Manuel De Maria.

26 Mr. De Maria, we'll ask you what we ask all the  
27 Governor's Appointees, and that is why you feel you're qualified  
28 to assume this position.



1 MR. DE MARIA: Why am I qualified?

2 CHAIRMAN ROBERTI: Yes.

3 MR. DE MARIA: I represent industry. I've been a  
4 masonry contractor for the last 42 years. At the present time,  
5 I'm Chairman of the Monterey and Santa Cruz chapters of the  
6 Masonry Contractors Association.

7 I also sit on the trust boards of the Pension and Health  
8 and Welfare for the Association.

9 CHAIRMAN ROBERTI: Thank you.

10 We've been joined for the presentation of Mr. De Maria  
11 by Senator Hart.

12 Senator, do you have any questions?

13 SENATOR HART: Well, Mr. Chairman, while you were out of  
14 the room, I made an opening presentation where I put forward a  
15 number of concerns that I had about the activities of this  
16 particular Board. I cited three cases in Santa Barbara County --  
17 Sandyland, Mission Industries, Casmalia -- where I think the  
18 Board has failed in its responsibilities to the public, both in  
19 our area and, I believe, to the people of the State of  
20 California, and it's not rigorously carried out the laws.

21 I made that presentation, and I'd ask if Mr. De Maria  
22 would care to respond. The concerns were raised about the  
23 responsiveness of the Board and the staff, the fines that are  
24 imposed by the Board, oftentimes in disregard for what the staff  
25 recommendations are, and the great concern that we have as to the  
26 amount of time that it takes before a problem is identified and  
27 until some kind of action is taken by the Board. It seems to  
28 many of us to be terribly lax and inadequate.





1 MR. DE MARIA: I can't state anything as to the amount  
2 of time that anything takes before it gets to the Board, because  
3 the first time that we see it is when it does get to the Board.

4 In order to really answer that question, I would have to  
5 go back. Now, I've been on this Board for 15 years. I was on  
6 this Board before we had the ACLs. It was a little hard then as  
7 far as enforcement was concerned because we didn't have a tool.  
8 In fact, the only tool that we had was to turn it over to the  
9 Attorney General.

10 Here, four or five years ago, we did get this bill, came  
11 in with the ACLs, and it gave us something to work with.

12 On each one of those cases, there have been fines  
13 imposed, but that wasn't the important thing. The important  
14 thing with the tool that was handed down to us was the fact that  
15 we could get the people to do the one thing that we wanted: that  
16 was to protect the water quality in our whole region.

17 There were times when we levied a fine and we suspended  
18 that fine on the condition that in a certain amount of time, that  
19 project would be cleaned up. This happened along with Sandyland,  
20 because in Sandyland, the first time they came before the Board,  
21 I think it was the slough that the discharge was getting into.  
22 We fined them then, I think, \$5,000.

23 And then, it was a year and a half later, they came back  
24 because the discharge then was going across the road into the  
25 ocean. We fined them then a greater amount of money, and that  
26 was on the condition that it never happen again because, even  
27 though there was a suspension, it would have come back if that  
28 project was not taken care of.



1 As far as Mission Industries or Ambassador, the first  
2 that we heard of it is when it came before the Board. At that  
3 time, we accepted the \$100,000, but it was on the condition that  
4 we suspend part of it, and then give them a time schedule so that  
5 -- by which the whole project would be completed and taken care  
6 of. We felt that we were protecting water quality by doing this.

7 And as far as your other one on Casmalia, we're still  
8 working on Casmalia. Casmalia had two violations. For those two  
9 violations, they were fined \$130,000, but by the same token, on  
10 our next four agendas, Casmalia's coming back, and we will see  
11 then that all of the regulations that have been set down, not  
12 only by us but by the State and by EPA, will be taken care of.

13 SENATOR HART: Would you care to comment on the Santa  
14 Barbara News-Press editorial, that I passed out, that came out  
15 earlier this year, that says that the Regional Water Quality  
16 Board has let the nursery, and this relates to Sandyland, get  
17 away with at least 12 years of dumping potentially toxic waste  
18 water into culverts that lead into the ocean for a period into  
19 that environmentally sensitive Carpinteria salt marsh. It goes  
20 on to say the Regional Board has historically responded by  
21 reducing fines and granting extensions for compliance.

22 That's the impression that so many people in the  
23 community I represent --

24 MR. DE MARIA: I understand.

25 SENATOR HART: -- have of this Board, is that the word  
26 is out that this is a lax Board; that one can pollute, and then  
27 there's a stay, and then you have an opportunity, and it keeps on  
28



1 going on and on and on. Nothing seems to happen. These  
2 environmentally sensitive areas continue to be degraded.

3 And then, when the final decision is made by the Board,  
4 oftentimes it's a substantial reduction of what your own staff is  
5 suggesting ought to be the appropriate fine, to say nothing of  
6 what my constituents, on occasion, have gone and requested --  
7 they feel the staff is being too lax and asking for more, and  
8 you're coming in, you know, way below either what the public  
9 oftentimes is asking for, even what your staff is suggesting.

10 How are we going to get the message out to some of these  
11 industries that have tremendous financial resources to indicate  
12 to them that this kind of behavior is intolerable, and that it's  
13 going to result in something more than a slap on the wrist?  
14 That's the issue; that's the concern.

15 MR. DE MARIA: Well, there are a lot of other things  
16 that come into the picture.

17 You know, you mentioned that have strong financial  
18 positions, but by the same token, we do have some that do not  
19 have a financial -- a strong financial position, and we try to,  
20 you know, temper the thing between everyone.

21 But by the same token, I've always felt that this was  
22 the tool that we should use.

23 Now, as far as Sandyland is concerned, I've been on this  
24 Board for 15 years. Prior to the time that Sandyland came up, in  
25 1985, I hadn't heard anything bout Sandyland. But when it did  
26 come up, we saw to it then that the project was taken care of.

27  
28



1           SENATOR HART: Mr. De Maria, if you take a look at the  
2 exhibit that the Members have before them, Exhibit C, that  
3 relates to the in depth study that the Santa Barbara New-Press  
4 did, titled, "More than 12 Years of Trouble," it indicates that  
5 September 29th, 1976, Regional Board begins investigation. In  
6 1976, that's 13 years ago that the Board supposedly was making an  
7 investigation. And I presume you, as President of the Board, had  
8 some awareness of what was going on on an area of critical  
9 environmental sensitivity.

10           MR. DE MARIA: You're talking about the slough, yeah.

11           Like I say, the minute it came before the Board, this is  
12 when -- of course, at the same time, even though that we -- if  
13 this would have come up prior to 1985, the only thing that we  
14 could have done then was to turn it over to the Attorney General.

15           But at least now we have this tool by which we did use  
16 in 1986 on Sandyland. We did not have that before.

17           SENATOR HART: Is there a reason why you didn't turn it  
18 over to the Attorney General prior to 1985?

19           MR. DE MARIA: I don't recall meeting as far as  
20 Sandyland is concerned before we had the ACL. Now, whether I was  
21 at that meeting or not, I don't know, but I have been -- I was on  
22 the Board, but I don't recall the Sandyland project before the  
23 Carpinteria Slough.

24           SENATOR HART: Mr. Chairman, all I can tell you is,  
25 Legislators representing this area, going back a number of years,  
26 on this Sandyland issue in particular, we have had many  
27 constituents call us and say, "What are you going to do? What is  
28





1 the State-authorized Board going to do to deal with this  
2 situation?

3 We called the office in San Luis Obispo, and I think the  
4 response has been better in the last year or so with the new  
5 Executive Director than it was previously, but the extent to  
6 which, even as a State Senator, you kind of get the run-around,  
7 and there is not a responsiveness on the part of this office.

8 All of the State agencies that my office has dealt with,  
9 I think, there's no higher degree of, sort of, frustration than  
10 we've encountered than with this particular board.

11 MR. DE MARIA: During this past year, there is another  
12 thing that we've done, I think, that would improve the situation.  
13 And that would be that -- there were times when this came before  
14 staff. Staff worked on it for a while before it actually came to  
15 the Board.

16 Three months ago we had told staff that the minute there  
17 is a complaint on a violation, that the complaint should be filed  
18 and given to the Board at the next meeting so that we are  
19 cognizant of the fact that there is something going.

20 CHAIRMAN ROBERTI: Is there any further opposition?  
21 Please come forward.

22 MR. ANDERSON: Thank you, Mr. Chairman, Members of the  
23 Committee.

24 My name is David Anderson. I'm an attorney practicing  
25 in Santa Barbara. I'm President of the Sandyland Protective  
26 Association, which represents the homeowners who live immediately  
27 adjacent to the Carpinteria Marsh.



1 Your packet will indicate that it was through the  
2 efforts of various members of our association that this matter  
3 even came to the attention of the Regional Water Quality Control  
4 Board 13 years ago. And it's through that continued effort that  
5 we have been able to finally get some action against the nursery.

6 I'm here today because of my frustration with the time  
7 it takes for action and the eventual outcome in terms of the  
8 fine. I'm not speaking in terms of the personal integrity of the  
9 two appointees that I'm particularly concerned about; simply the  
10 matter that Mr. De Maria, as Chairman, and the other members of  
11 the Board in their entirety need to focus on enforcing the laws  
12 that they're required to enforce under their oath of office.

13 As a very quick background of the frustration that we  
14 have there, I appeared at the Regional Water Quality Control  
15 Board hearing on the first fine in connection with Sandyland  
16 Nursery. At that time, despite overwhelming evidence of an  
17 ongoing, flagrant discharge of nutrient, and pesticide, and  
18 herbicide contaminated waste water into the marsh and into the  
19 ocean, the Board levied a fine of \$20,000, with \$15,000 of that  
20 suspended upon condition that Sandyland Nursery didn't violate  
21 the laws for the remainder of that year.

22 If you look at the chronology, you'll notice that within  
23 a month to a month and a half after the expiration of that year,  
24 Sandyland Nursery was again being cited for violations. That's  
25 what led to the hearing that I believe was in 1988, that I again  
26 attended on behalf of the Association.

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1           Despite the flagrant continued efforts, and the lack of  
2 diligence on the part of the nursery and its President, Mr. Cobb,  
3 to remedy the problems, the Board at the subsequent hearing, with  
4 this long record of problems, levied a fine of \$50,000, with  
5 \$25,000 of it suspended upon condition that the nursery hook up  
6 to a recycling system for their water.

7           As far as I understand, they did complete that hookup,  
8 but they also appealed the \$25,000 fine to the State Board. That  
9 held off action for approximately a year, and the State Board  
10 upheld the \$25,000 fine. The latest information that I have  
11 received two or three months ago is that apparently the first  
12 installment check from Sandyland Nursery bounced. The second  
13 installment check cleared, and to this date, I'm not even certain  
14 if the \$25,000 has been paid.

15           So, it's an ongoing sense of frustration with the  
16 inability of the Regional Water Quality Control Board to really  
17 respond to these issues.

18           To put it in the context of the economics, the Sandyland  
19 Nursery, from information that I have heard at hearings, I believe  
20 grosses in excess of \$1½ million a year. They were discharging  
21 between 25,000 and 50,000 gallons of contaminated water per day.

22           The Carpinteria Marsh is a very much endangered coastal  
23 marsh. It is managed by the University of California as part of  
24 their reserve system. It is home to two federally designated  
25 endangered species, and we can't seem to get a handle on  
26 pollution of the marsh.

27  
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1           It's not just the Sandyland Nursery. There are other  
2 nurseries and other agricultural polluting sources in the  
3 Carpinteria Valley that feed into the marsh. But they're looking  
4 at the example of Sandyland Nursery and saying, "Why should we  
5 clean up? Why should we comply as long as it takes 12 years and  
6 the ultimate result is \$30,000 in fines for being able to  
7 discharge thousands of gallons a day over a fairly extensive  
8 period of time?"

9           So, that's really why I'm here today to speak in  
10 connection with this issue. I appreciate the opportunity.

11           CHAIRMAN ROBERTI: Thank you very much.

12           Is there any other opposition?

13           I'm sorry, I didn't ask for support. Are there any  
14 witnesses here who'd like to testify in support?

15           Do I hear a motion?

16           SENATOR MELLO: Mr. Chairman, before we make a motion,  
17 let me point out that this Central Coast Region, three of the  
18 counties out of five are in my district, one is in Senator  
19 Hart's, and one's in Senator Maddy's.

20           I've known Mr. De Maria for all the time he's been on  
21 this Board, plus before that he was on the County Water District  
22 Board there in Monterey.

23           There were several issues brought up by both Senator  
24 Hart and Mr. Anderson, and their frustration over the fines that  
25 are collected.

26           Let me point out that it's not unique to just the Water  
27 Quality Control Boards. I'm frustrated about the nursing home





1 fines that are levied by the State; air quality. I mean, we have  
2 a record, and we're just not being able to collect every fine, or  
3 every penny that we impose against people because the process --  
4 unless you do away with due process.

5 And if you look at all of them, there are a long list.  
6 The amount collected is only a small percentage of what's  
7 imposed, and the staff recommends very high fines, and it's the  
8 policy making board of directors that represent more of the  
9 citizenry. The staff represent the agency part.

10 In the area I represent, and I want to bring this out  
11 for Senator Hart's evaluation as well, the Board has been tough  
12 in cleaning up a lot of problems we had, even though there're  
13 still some out there. But Elk Horn Slough is an area that the  
14 State is buying: Fish and Game, Wildlife Conservation Board.  
15 It's an estuary that just unique. And they had a lot of  
16 pollution going in from dairies around the slough, and Mr. De  
17 Maria was a leader there in getting the water quality improved  
18 there by putting Cease and Desist Orders onto dairies, and  
19 dairies were there before even the Water Quality Control Board.  
20 But they've helped clean up that water quality there  
21 tremendously.

22 The food processing plants in Watsonville, which is the  
23 life's blood to our economy, have had discharge problems going  
24 into the ocean, the water treatment plant. They spent about \$40  
25 million so far developing a treatment plant to help meet the high  
26 standards that they set.

27  
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1           Nitrates in the Squaw Valley and the Salinas Valley in  
2 agricultural land due to -- that are seeping down, getting into  
3 our groundwater is another major problem that the Regional Board  
4 has had to deal with. It's tough to try to get agriculture to  
5 move away from traditional farming methods and trying to preserve  
6 the water quality that we have. And these are tough decisions.

7           Another issue is Big Basin State Park right in Santa  
8 Cruz County, the first park in the State of California. You know  
9 what the staff is recommending? To shut it down! And this  
10 matter's going to be before the Board on September 8th, and  
11 they're going to consider whether or not to impose a Cease and  
12 Desist Order. Now here's one agency, the Regional Water Quality  
13 Control Board, going to shut down a State park, another State  
14 agency, and that's the recommendation from the staff. This  
15 problem's been there for 15 years. There's a million dollars in  
16 the budget to put in an improved water quality treatment facility  
17 there, and I would be appalled if they shut down Big Basin Park.  
18 I think they could probably limit, certainly, their discharge and  
19 come up with a way.

20           I don't see this kind of laxity in the area I represent,  
21 and Monterey Bay doesn't have to apologize to any part of the  
22 State for not being tough on the environment, air, water quality,  
23 and everything else.

24           But I think the Board has come a long way. I've  
25 disagreed with a lot of their stands, but I see a measured  
26 improvement of all of the problems we've had around there.  
27 There's still many more to do.  
28



1 But I think the expectation that is represented here,  
2 that if we recommend \$6 million worth of fines, we ought to  
3 collect 6 million; I think that's just not very feasible.

4 So, from my own experience, which has been -- which goes  
5 back since 1966, when I was a County Supervisor, I dealt with Ken  
6 Jones all the years he was the Executive Director. And, you  
7 know, times have changed. The values that Ken Jones had were  
8 proper and fitting during the '60s and '70s. It took him a while  
9 to move into the environmental movement of the '70s.

10 Mr. Bill Leonard is, I think, more aggressive, and he's  
11 more in with the time now. And I think the Board is following --  
12 the Board sets the policy, but the administration coming out of  
13 that regional board, I think, is bringing us a far better  
14 improvement over the policies of the past.

15 So, I just wanted to let the Rules Committee know from  
16 my own experience, which represents three counties here, that I  
17 think Mr. De Maria, as one member, has shown a lot of hard work  
18 and good faith effort. He knows the issues. And he hasn't been  
19 easy on anybody that I know of in our area, but he's been fair.

20 So, I think if you want to do away with due process,  
21 then that's one question. If you want to put people out of  
22 business, that's something else.

23 But I think we have to follow due process, but we have  
24 to follow strict guidelines that will move towards clean water,  
25 which is the goal that we all have, and hopefully the expectation  
26 that it can happen very soon.

27 CHAIRMAN ROBERTI: Thank you, Senator.  
28



1 Senator Craven moves Mr. De Maria's confirmation be  
2 recommended to the Floor.

3 Senator Petris.

4 SENATOR PETRIS: I'll try to be brief, Mr. Chairman.

5 When you were first appointed, in what category --

6 MR. DE MARIA: Same category, industrial.

7 SENATOR PETRIS: Which means what?

8 MR. DE MARIA: Industry.

9 SENATOR PETRIS: Some experience --

10 MR. DE MARIA: Experience in construction, and whether  
11 it would be farming or anything else, it's still industry.

12 SENATOR PETRIS: Just labeled industry.

13 The requirement is that you have some knowledge of the  
14 problem, experience with it. Did you have any experience at the  
15 time?

16 MR. DE MARIA: I was a contractor for 42 years.

17 SENATOR PETRIS: As a contractor, did you have --

18 MR. DE MARIA: Building contractor.

19 SENATOR PETRIS: Yes, but did that have any bearing with  
20 local water quality?

21 MR. DE MARIA: Well --

22 SENATOR PETRIS: Regional water quality?

23 MR. DE MARIA: I don't know if it had any bearing on  
24 quality. I guess it's just the classifications that were handed  
25 down as far as the Porter-Cologne Act is concerned.

26 At the time, prior to coming, like Senator Mello said, I  
27 was Chairman of the Advisory Water Board in Monterey.





1           SENATOR PETRIS: I noticed there are two other members  
2 that come from local water districts.

3           I'm trying to find out how a contractor qualifies if  
4 he's not involved in industrial wastes, you know, in some kind of  
5 wastes that go into the water stream; how that qualifies a  
6 general contractor.

7           Did you build commercial buildings?

8           MR. DE MARIA: That's right, yes. I don't know about  
9 the industrial waste.

10          SENATOR PETRIS: What is their connection with the  
11 waste?

12          MR. DE MARIA: That I don't know.

13          The only thing I can say, I guess, you see, waste wasn't  
14 part of the industry part of it. It just says industry.

15          SENATOR PETRIS: How about water use?

16          MR. DE MARIA: Well, water use, I was Chairman of the  
17 Advisory Water Board.

18          SENATOR PETRIS: At the time you were appointed?

19          MR. DE MARIA: Yes.

20          SENATOR PETRIS: I've been going over --

21          SENATOR MELLO: I'd call one thing to Senator Petris'  
22 attention, briefly, based on the law that we set up, they have to  
23 come from these different areas: water supply, conservation,  
24 irrigated agriculture, and industrial water use, municipal  
25 government, county government, one public member with special  
26 competence in water quality problems.



1           The area he comes from, he merely has to represent an  
2 industrial -- was yours industrial water use?

3           MR. DE MARIA: Just industry is all.

4           SENATOR MELLO: So, he's coming from the category  
5 representing industry, but not necessarily one that has direct  
6 relationship to waste water discharge.

7           SENATOR PETRIS: Which makes him ineligible in my book.  
8 I don't see the connection.

9           Now, I think he's more eligible from a water district.  
10 They have some duty to keep the water clean.

11          SENATOR MELLO: That's the law that we passed, that they  
12 have to represent these different entities.

13          SENATOR PETRIS: Was that water district a drinking  
14 water program?

15          MR. DE MARIA: Yeah, it was drinking water. It wasn't  
16 quality.

17          SENATOR PETRIS: I'm looking through a summary of the  
18 Auditor General's Report, which is really absolutely scathing,  
19 that Senator Hart has submitted to us.

20          I want to thank the Senator for joining us here. A lot  
21 of the stuff that comes up, we don't know much about. We  
22 sometimes look to the local Legislator to help us out by bringing  
23 certain matters to our attention.

24          The State Auditor condemns the State Board and all the  
25 Regional Boards for being lax, for not doing their job. Let me  
26 read a couple.

27          First, the Summary says:  
28



1           The State of California is not  
2           protecting all of its waters from  
3           contamination. The State Water Resources  
4           Control Board ... and the regional water  
5           quality control boards ... are responsible  
6           for regulating those discharging wastes  
7           that affect the quality of state waters."

8    You know, that's the duty.

9           Now, to comment on what's happening:

10          "Since 1979, the state board has  
11          adopted regulations that require the  
12          regional boards to review waste discharge  
13          requirements and to inspect each waste  
14          discharger at least once every five  
15          years."

16    That doesn't sound like a lot to me.

17          MR. DE MARIA: But this is what we do.

18          SENATOR PETRIS: Yes.

19          "However, there has been little overall  
20          improvement in the regulatory program.  
21          Regional boards still do not have  
22          adequate procedures or sufficient  
23          management information to regulate waste  
24          dischargers effectively. Consequently,  
25          waste dischargers submit self-monitoring  
26          reports irregularly, and there is little  
27          evidence that the regional boards ever  
28



1 resolve violations reported on these self-  
2 monitoring reports. In 42 of 75 cases we  
3 reviewed that required self-monitoring,  
4 the discharger did not submit self-  
5 monitoring reports when they were due.

6 Furthermore, the regional boards  
7 conducted inspections on an irregular  
8 and often infrequent basis. Of the 98  
9 cases we reviewed, 15 dischargers had not  
10 been inspected in over five years, and 6  
11 had not been inspected in over ten years."

12 And the report goes on. I mean, this is deplorable!

13 When people are appointed to these boards, it was done  
14 at a time when there was a growing demand on the part of the  
15 public to protect the environment. The leading issue today,  
16 according to the polls, "What concerns you the most," probably  
17 next to dope, is environmental protection: the air, the ground,  
18 the water.

19 And we continue to get this resistance from industry  
20 that says, "We ain't doing the polluting," when they're caught  
21 with their hands in the barrel up to their elbows, shoving  
22 pollution into the streams and so forth. They constantly fight  
23 against statutes to try to monitor it.

24 If they had some concern, the bad guys -- not all the  
25 industries, but a lot of them -- we wouldn't need the board. We  
26 wouldn't need to have you on there looking it over. It seems to  
27 me they would do the right thing.





1 We are facing, rapidly approaching, a crisis in our  
2 state on the protection of our environment. And in spite of all  
3 our efforts, we're just not doing the job in certain categories.

4 Now, you mentioned that the most you could have done in  
5 '75, whatever it was, was to turn it over to the Attorney  
6 General. Is that the enforcing officer that serves the local  
7 board, the regional board?

8 MR. DE MARIA: Well, now we can use the ACLs. We don't  
9 need the Attorney General.

10 If the ACLs don't work, then we can go to the Attorney  
11 General, but we do have legal staff on our board that comes from  
12 the Attorney General.

13 SENATOR PETRIS: How do they enforce the law? Do they  
14 go to the local D.A., or do they file their own lawsuit?

15 MR. DE MARIA: There are times they go to the local  
16 D.A.; other times when they file right from Sacramento. There's  
17 been, you know, cases both ways.

18 SENATOR PETRIS: Were there any cases referred to the  
19 Attorney General in that earlier period?

20 MR. DE MARIA: Yes, sir, there was. Take one, for  
21 instance, the case of Marina. When it came to the regional  
22 board, the regional board stated that they did not want the City  
23 of Marina to dump their waste inside the line of prohibition that  
24 we had set up in 1974. So, they went ahead anyway, and we  
25 referred it to the Attorney General, and it just got cleared  
26 eight months ago, when Marina joined the Monterey Region.

27 SENATOR PETRIS: Who was the Attorney General when --  
28

1. The first part of the paper is devoted to the study of the

properties of the function  $f(x)$  defined by the equation

$$f(x) = \int_0^x \frac{1}{1+t^2} dt, \quad (1)$$

where  $x$  is a real number. It is well known that this function is

continuous and differentiable on the whole real line.

2. In the second part of the paper we shall study the

properties of the function  $f(x)$  defined by the equation

$$f(x) = \int_0^x \frac{1}{1+t^2} dt, \quad (2)$$

where  $x$  is a real number. It is well known that this function is

continuous and differentiable on the whole real line.

3. In the third part of the paper we shall study the

$$f(x) = \int_0^x \frac{1}{1+t^2} dt, \quad (3)$$

where  $x$  is a real number. It is well known that this function is

continuous and differentiable on the whole real line.

4. In the fourth part of the paper we shall study the

$$f(x) = \int_0^x \frac{1}{1+t^2} dt, \quad (4)$$

where  $x$  is a real number. It is well known that this function is

1 MR. DE MARIA: I don't know.

2 SENATOR PETRIS: -- in '74? It was the present  
3 Governor; wasn't it?

4 CHAIRMAN ROBERTI: It was before. I think it was Evelle  
5 Younger.

6 SENATOR PETRIS: He was succeeded by Deukmejian, who  
7 pulled the fangs on enforcement of the Coastal Act, you know.  
8 There were five lawyers supposed to enforce the Coastal Act. He  
9 closed shop. You know, he fired them or transferred them. He  
10 said, "We're not going to enforce it." So that doesn't do us any  
11 good.

12 So what would you do today if a horrible problem came to  
13 your attention and staff said, "We've got somebody out here  
14 dumping 25-50,000 gallons per day." What tools do you have to  
15 move on it?

16 MR. DE MARIA: The first thing we have is the ACL.

17 SENATOR PETRIS: What does that mean?

18 MR. DE MARIA: Administrative Civil Liabilities, by  
19 which -- that Senator Hart was talking about, where you fine a  
20 certain amount of money.

21 SENATOR PETRIS: Yes.

22 MR. DE MARIA: And it's all set up as what the fines  
23 should be. This is where it comes from. When the bill was set  
24 up, it was set up by so much money per gallon, whatever it might  
25 happen to be.

26 SENATOR PETRIS: I know you've commented on this, but it  
27 seems to me also that the fines have been consistently very low,  
28



1 among the lowest in the state except for Lake Tahoe, which  
2 doesn't have as much industry around it.

3 MR. DE MARIA: That I don't know because, like I say, we  
4 -- the Chairman and Vice Chairman do meet three times a year. We  
5 discuss these problems, but we do not talk about how much or how  
6 fines have been.

7 SENATOR PETRIS: How do you go about setting a fine? If  
8 the staff recommends 100,000, and you come in with 25, what is  
9 that governs your decision?

10 MR. DE MARIA: There are two things. One of the first  
11 things that I -- when I went to indoctrination when I first came  
12 on the board, they likened the whole situation, and this of  
13 course came from the legal staff of the State Water Resources  
14 Control Board, is that -- well, of course, our primary mission  
15 that it was to clean up the water.

16 The second being, of course, that we sit there. We  
17 listen to the discharger. We listen to the staff, and somewhere  
18 in between, you make your decision. That's the decision that  
19 would then be carried out by both staff and the discharger.

20 So, I don't really know unless I was sitting on a case  
21 whatever it might happen to be.

22 SENATOR HART: It seems to me, in addition to that, at  
23 least in the Sandyland case and perhaps in others, there are  
24 members of the public who come forward --

25 MR. DE MARIA: Oh, no, that's true, yeah.

26 SENATOR HART: -- and take positions of their own. You  
27 say that you take the staff, they take the polluter, and you  
28 somehow come down somewhere in between.



1 MR. DE MARIA: Well, okay. I stand corrected because we  
2 have a regular hearing, and the comments do come from the floor.  
3 And by the same token, here I think it was somewhere around eight  
4 or nine years ago, the rules even changed where cross examination  
5 was then allowed.

6 So, we go through the regular -- the whole process, but  
7 the point is that at the end of that process, each Board member  
8 has to make up his own mind.

9 SENATOR PETRIS: Well, I'd like you to look at the scale  
10 of fines and the range included in the packet.

11 MR. DE MARIA: I think our highest fine was \$130,000,  
12 sir.

13 SENATOR PETRIS: Well, your total for the period  
14 involved, 1985-1988, was 187,000. The potential allowed by law  
15 was --

16 SENATOR HART: That's proposed, Senator Petris.

17 SENATOR PETRIS: Oh, that's proposed fines. Collectible  
18 is 59,700; average fine, 8,000.

19 Nobody's going to pay attention to that. People  
20 operating in the league that we've been hearing here, for the  
21 kind of gross they get, that's a flea bite. That's not going to  
22 change their course of action or deter them. I think it sends  
23 them a message that it's okay, guys. Just go ahead about your  
24 business, and we'll just come around and tap you once in a while.

25 I find that extremely disappointing. The potential  
26 fines are 6,193,000. I don't mean you should give the maximum  
27 each time; obviously, I'm not advocating that. But it just seems  
28





1 to me that in the specific cases we've been told about, the Board  
2 has been very, very lax and very soft on polluters who are just  
3 doing their best to destroy what's left of our environment. It's  
4 a very, very serious problem.

5 MR. DE MARIA: I agree with you, Senator, but I think  
6 that there is one thing.

7 Some of our dischargers, some of the people that we're  
8 talking about, were very small businesses. We didn't have any  
9 great big industrial business. I think the biggest one we have  
10 at the present time would be Casmalia. All the rest -- we had  
11 quite a few that were just what I call a Mom-and-Pop operation.  
12 Some of these even had to do with underground tanks where maybe  
13 the property wasn't even worth that much.

14 These are some of the things that we look at when we  
15 study the case.

16 SENATOR PETRIS: Well, I've looked at some of those,  
17 too, you know, but I think the bottom line is, whether it's a  
18 Mom-and-Pop operation or a great big one, the destruction is the  
19 same. It might be on a smaller scale, but the thing we're trying  
20 to protect is getting ruined.

21 Maybe some people who are small and can't handle it  
22 don't belong in that business. Maybe they ought to be fined out  
23 of existence if they're going to continue to destroy. It's plant  
24 life, animal life; it affects human beings.

25 Thanks, Mr. Chairman.

26 CHAIRMAN ROBERTI: Senator Craven has a motion before  
27 us.  
28



Secretary will call the roll.

SECRETARY WEBB: Senator Beverly.

SENATOR BEVERLY: Aye.

SECRETARY WEBB: Senator Mello.

SENATOR MELLO: Aye.

SECRETARY WEBB: Senator Petris.

SENATOR PETRIS: No.

SECRETARY WEBB: Senator Craven.

SENATOR CRAVEN: Aye.

SECRETARY WEBB: Senator Roberti.

CHAIRMAN ROBERTI: No.

The vote is three to two; the confirmation is recommended to the Floor.

MR. DE MARIA: Thank you.

CHAIRMAN ROBERTI: Senator Leonard has been here to make an introduction, so I think we will defer to our colleague in this category.

SENATOR LEONARD: Thank you very much, Mr. Chairman and Senators.

Might I suggest that you augment the Senate Rules budget: buy yourselves black and white striped shirts and whistles so you can better referee some of the combatants.

CHAIRMAN ROBERTI: That's right; good idea.

(Laughter.)

SENATOR LEONARD: On a more pleasant note, I appeared before you four years ago to introduce my father as an appointee of the Governor to the California Transportation Commission. He



1 has been reappointed and is before you today for his confirmation  
2 hearing.

3 I have again the pleasure of introducing him to you as a  
4 leader in transportation matters and transportation financing in  
5 California, as a strong supporter of the legislative-executive  
6 branch plan that is on the ballot in June of 1990 that will move  
7 us towards a new wave of improving our public works in  
8 transportation in all phases, and would ask for your assent and  
9 confirmation to the office of Commissioner on the Transportation  
10 Commission.

11 CHAIRMAN ROBERTI: Thank you very much, Senator.

12 Why don't you come forward, Mr. Leonard.

13 MR. LEONARD: Thank you, Mr. Chairman.

14 CHAIRMAN ROBERTI: We know you from past encounters, and  
15 we're glad to have you with us.

16 Maybe you'll tell us a little bit of what has been  
17 happening on the board, or what your goals are as far as  
18 California transportation is concerned.

19 MR. LEONARD: Be glad to, Mr. Chairman.

20 I'm currently serving as Vice Chairman of the Commission  
21 and Chairman of the Legislative Committee. I presume, with your  
22 concurrence, that I will be serving as Chairman next year.

23 We have already put into a strategy to attempt on our  
24 part to play a role in securing the affirmation by the public on  
25 SCA 1. That's a very, very important step. We're so pleased the  
26 Legislature did pass the necessary legislation that's a now a  
27 matter of law -- the Katz bill, and the Kopp bill, and the Costa  
28 bill, the Baker bill -- because we felt that's the first step.



1 We have as a goal, I think, in the past few years our  
2 liaison with the Legislature has not been as good as it could be,  
3 and we recognize that, and we intend to work extremely closely  
4 with the Senate and Assembly Transportation Committees.

5 CHAIRMAN ROBERTI: Thank you.

6 On one issue that's becoming more and more a part of  
7 transportation pollution, although I personally hate it but I  
8 guess I sort of acquiesced, and that is the use of toll roads in  
9 our state.

10 What criteria are going to be used by the Transportation  
11 Commission in deciding where these private toll roads --  
12 assuming the voters approve the package -- would be located?

13 MR. LEONARD: As you know, Mr. Chairman, the jury is  
14 still out. We have your permission with the electorate's  
15 permission to go into four roads throughout the state.

16 We're very interested to see what happens in Orange  
17 County. Obviously, toll roads, I'm sure, will play some sort of  
18 future in transportation in California. How far it goes beyond  
19 toll bridges, or how far it goes beyond those roads that have  
20 passed is going to be, I think, subject to a number of  
21 considerations that are going to have to be put on the matrix for  
22 really close consideration.

23 The purpose of highways, the purpose of rail, the  
24 purpose of buses is mobility. You cannot deny mobility to the  
25 people. You obviously, as an extreme, cannot have a toll road as  
26 the only means of getting from point A to point B. It certainly  
27 would have to be a secondary route, and there has to be assured  
28





1 that the public, without paying a toll, can also get to the same  
2 places in the state.

3 There is such a mixed bag, and the mixed bag's goal is  
4 to increase the number of people that are carried in a single  
5 car, whether that's HOV lanes, or whether that's van pools, or  
6 bus pools, or light rail, or whatever.

7 Or, one thing that I think the future is going to  
8 portend for this state is the smart highway-smart driver concept.  
9 I think that will be very, very important.

10 CHAIRMAN ROBERTI: Thank you very much, Mr. Leonard.

11 Any questions? Senator Petris.

12 SENATOR PETRIS: I didn't hear Senator Leonard make a  
13 recommendation. He just introduced you.

14 MR. LEONARD: Well, sir, I've been down that road many  
15 times. I was waiting, too, Senator.

16 (Laughter.)

17 SENATOR PETRIS: Let's assume that he made the  
18 recommendation. Do you see any bias in that?

19 MR. LEONARD: Actually, Senator, had you been around the  
20 dining room table in the past few years, or for that matter, had  
21 you been before Senator Kopp's committee when we debated the  
22 highway bill, you would then believe that was his honest opinion  
23 and not one based on any parental or filial relationship.

24 SENATOR PETRIS: I'm sure it is.

25 MR. LEONARD: You'd buy that; won't you, sir?

26 SENATOR PETRIS: Yes, sir. Well said.  
27  
28



(Laughter.)

1                   SENATOR PETRIS: I just have a couple of questions.

2                   Do you feel confident that SCA 1 will be approved?

3                   MR. LEONARD: Not without an awful lot of work, sir.

4                   SENATOR PETRIS: What if we don't make it? What do we  
5 do then?  
6

7                   MR. LEONARD: We're not going to be in that position.  
8 We're going to do the work. We're going to make sure we make it,  
9 and it's a matter of communication.

10                  I just don't believe that a job has been done of  
11 communicating to the public: number one, the importance of  
12 mobility; and number two, how short we are of -- how close we are  
13 to completely becoming an immobile society in some of our  
14 transportation corridors.

15                  SENATOR PETRIS: But the whole thing depends on a tax  
16 increase; doesn't it?

17                  MR. LEONARD: It does depend upon the Gann Initiative  
18 allowing for the tax increase; that's correct.

19                  SENATOR PETRIS: Now, the climate for tax increase,  
20 thanks to the activity of a lot of outspoken political leaders,  
21 is poison right now and has been for several years. Tax is the  
22 enemy of the people. We're not going to raise taxes no matter  
23 what the need. And they've been singing that song for the last  
24 ten, fifteen years.

25                  Now, how can we expect the public all of a sudden to  
26 turn around, after having voted down all kinds of tax  
27 opportunities, and say this one we'll tax ourselves. Do you  
28 really think that's realistic?



1 MR. LEONARD: Yes, I do. It's going to be tough sell,  
2 but I do think it's realistic.

3 First of all, the public is paying a terrible congestion  
4 tax right now.

5 SENATOR PETRIS: But all the polls in my area in  
6 connection with the congestion, where they name it as the second  
7 or third most important problem, have consistently shown  
8 two-thirds people against any tax to solve the problem; a minimum  
9 66 percent. It ranges as high as 75. That's why I'm concerned  
10 about it.

11 MR. LEONARD: I share your concern.

12 In my area, I'm from San Bernardino, the poll for the  
13 half-cent sales tax, which will be on the ballot this November,  
14 shows about 70 percent favoring. We think we've done the job in  
15 San Bernardino.

16 SENATOR PETRIS: Do you want to come up and help us in  
17 my area?

18 MR. LEONARD: The Commission would love to, Senator.  
19 We'll take on that challenge of helping where ever we can.

20 SENATOR PETRIS: Has the Governor publicly endorsed this  
21 yet?

22 MR. LEONARD: I believe the Governor has taken a  
23 position that he'll lead the fight.

24 SENATOR PETRIS: Has he made any public statements yet  
25 strongly supporting it? I remember when it was first announced,  
26 he said, "I'm taking a no position."  
27  
28



1 CHAIRMAN ROBERTI: I think he's pretty clearly now on  
2 board.

3 SENATOR PETRIS: The reason I ask you that is, as a  
4 Board member, I would urge you to whisper in the Governor's ear  
5 to make statements from time to time supporting the effort.

6 MR. LEONARD: We are very anxious to move. We recognize  
7 the situation as it stands now, where the legislative leaders and  
8 the administration leaders are together in formulating a strategy  
9 plan. We don't intent to form a strategy plan on our own. We  
10 don't think that's an appropriate role.

11 But when that has been proposed, and when consultants  
12 are aboard, as a group and as individuals, we're going to be  
13 there and doing more than our share to see that the educational  
14 process is completed to the public.

15 SENATOR PETRIS: Do you think we ought to have toll  
16 roads as a standard policy in the future?

17 MR. LEONARD: As a standard policy, if you're going to  
18 add that, I would have to say no.

19 If you would allow me to say do you think toll roads  
20 should be one of a menu of items that should be given  
21 consideration, I think yes.

22 SENATOR PETRIS: That's happening now; isn't it?

23 MR. LEONARD: That's happening in Orange County right  
24 now, yes.

25 SENATOR PETRIS: In hearings involving confirmation of  
26 some of your colleagues, three of them to date, the problem that  
27 we see all the time among ourselves, of conflict of interest has  
28





1 cropped up. I remember one from my area had very extensive real  
2 estate developments and holdings up and down the state. Some of  
3 the local press and others had criticized him for voting on  
4 certain things. I think he's been very circumspect since then in  
5 trying to ferret that out.

6 The same happened with a couple of others. One was a  
7 big contractor that actually, I think, supplied -- he was an  
8 asphalt contractor. It's pretty hard for somebody like that to  
9 avoid a conflict because asphalt is used to build highways.

10 Is there anything being done by the Commissioners to try  
11 to resolve that problem and avoid the pitfalls?

12 MR. LEONARD: When we go down to vote, particularly on  
13 the consent items where those issues crop up, the Chair --  
14 whether it's our Chairman Joe Duffel or whether I'm sitting in  
15 the seat -- we call for each Commissioner to indicate whether  
16 they have a conflict on any of the items on the consent, or  
17 whether they have any wish to add to any comments -- add comments  
18 to anything on the consent calendar.

19 I think that's pretty religiously followed. The  
20 Commissioner that did have the asphalt plant has sold her  
21 business.

22 SENATOR PETRIS: I remember a case of the Chairman, he  
23 comes from the East Bay. I believe that's the one.

24 I didn't think it was so bad because the votes that were  
25 challenged were all consent items. So now he's had to back off  
26 even from a consent item so there won't be any question raised.

27 Is that being adopted by everybody?  
28



1 MR. LEONARD: Yes, it is. And we're going a step  
2 further. As you know, we are very much subject to the Brown Act,  
3 but we're also subject to the Bagley-Keene Act, and that act is  
4 when any three Commissioners, whether or not we're a quorum, get  
5 together, it must be a publicly announced meeting.

6 As Chair of the Legislative Committee, our meetings are  
7 announced in advance because our committee was initially set up  
8 as a three membership committee.

9 We're trying to bend over backwards on that issue  
10 because it does turn around and bite you, and it has a way of  
11 destroying whatever good will that you've developed, and you must  
12 have good will if you're going to get the public to accept your  
13 recommendations.

14 SENATOR PETRIS: All right, thank you.

15 MR. LEONARD: Thank you, sir.

16 CHAIRMAN ROBERTI: Any further discussion or debate? Is  
17 there any opposition in the audience?

18 SENATOR CRAVEN: Move.

19 CHAIRMAN ROBERTI: Senator Craven moves confirmation be  
20 recommended to the Floor.

21 The Secretary will call the roll.

22 SECRETARY WEBB: Senator Beverly.

23 SENATOR BEVERLY: Aye.

24 SECRETARY WEBB: Senator Mello.

25 SENATOR MELLO: Aye.

26 SECRETARY WEBB: Senator Petris.

27 SENATOR PETRIS: Aye.  
28



1 SECRETARY WEBB: Senator Craven.

2 SENATOR CRAVEN: Aye.

3 SECRETARY WEBB: Senator Roberti.

4 CHAIRMAN ROBERTI: Aye.

5 The vote is five to zero; the confirmation is  
6 recommended.

7 Congratulations again.

8 MR. LEONARD: Thank you, Mr. Chairman. Thank you very  
9 much, Members.

10 CHAIRMAN ROBERTI: The next appointment is Mr. George H.  
11 Rathmell, Member of the California Regional Water Quality Control  
12 Board, Central Coastal Region.

13 Mr. Rathmell, we'll ask you what we ask all the  
14 Governor's Appointees, and that's why you feel you're qualified  
15 to take on this position or maintain it?

16 MR. RATHMELL: Well, I'm from the South Bay -- that's  
17 the south end of Morro Bay. And the Water Quality Control Board,  
18 prior to my being involved in it, had been raising for a number  
19 of years the question of increasing nitrates in the ground water.

20 The community is on wells as far as the supply is  
21 concerned, and as far as the septic systems are concerned,  
22 they're all septic tanks.

23 Nothing was proceeding on this subject. I became  
24 involved in an advisory committee to the Board of Supervisors.  
25 At the time I was appointed chairman, it gave me the opportunity  
26 to bring this question to a head, and I was instrumental in  
27 seeing that we formed a county service area for the express  
28



1 purpose of addressing this matter of rising nitrates, or at least  
2 alleged rising nitrates.

3 We did form that county service area, and I was the  
4 chairman of the advisory group which was liaison with the country  
5 engineering department for the first couple of years of its  
6 operation.

7 During that time, I was instrumental in getting an  
8 expanded water quality monitoring program for the wells that we  
9 had access to and additional wells to determine more accurately  
10 what this pollution situation was. At the time, it was more of  
11 an allegation, and there wasn't a lot of data available. That  
12 monitoring program has proceeded since then, and it has resulted  
13 in a rather substantial record of increased nitrates in the  
14 ground water in the South Bay.

15 I personally have been following that -- followed that  
16 monitoring program for a number of years even after I left the  
17 advisory group, and I left it so that I could, without any  
18 conflict of interest, become a member of the County Planning  
19 Commission. And it's been that activity that has given me  
20 knowledge of pollutants, particularly in connection with ground  
21 water and septic tank systems, that I have found helpful in this  
22 work.

23 CHAIRMAN ROBERTI: Thank you, Mr. Rathmell.

24 Are there any questions? Senator Hart.

25 SENATOR HART: Mr. Chairman, I don't want to belabor  
26 this point. The Committee's been very generous with its time as  
27 it relates to the time that was spent on the other applicant that  
28 was before us.





1 I wonder if Mr. Rathmell would care to comment on some  
2 of these controversies and in general give some indication as to  
3 what his perspective is on whether or not the Board has indeed  
4 been acting in a rigorous fashion to enforce the law, or whether  
5 he feels that they've been about right, or too tough, or too lax  
6 in dealing with some of these problems that at least we've  
7 encountered in Santa Barbara County.

8 MR. RATHMELL: I think it's fair to say that with the  
9 availability of the civil liability remedy, that there was a  
10 learning process that had to be followed by the Board members,  
11 the staff as well. And I guess it would be fair to say that the  
12 initial liabilities that were assessed were -- I use the word  
13 "modest"; you use the word "low". I'm not quarreling with that.  
14 I agree with you.

15 SENATOR HART: I think modest is a good word.

16 MR. RATHMELL: All right, whatever you want.

17 And since that time, the level of the liabilities has  
18 risen, I would say, to a noticeable degree.

19 There's another thing that we need to look at here, and  
20 that is that it's difficult to take what you might call a  
21 statistical approach to whether liabilities look low in relation  
22 to the maximum that could be assessed, and the law is written  
23 such that you can really clobber a person with millions of  
24 dollars of assessment. And a number of things that the Board  
25 needs to weigh, and even an inter-region comparison doesn't  
26 really tell you very much because you have to look at the nature  
27 of -- not only the nature of violations that a particular region  
28



1 was experiencing or dealing with, but how these -- whether the  
2 other regions have similar ones, worse or not so bad, or  
3 whatever.

4 So, an inter-region comparison really needs to have a  
5 whole lot of groundwork done to make it useful.

6 As far as our assessments are concerned, they have been  
7 increasing. I think that the Board is more and more -- much more  
8 inclined now to look at the dollar amount, if you will, from the  
9 standpoint of bringing pressure to bear on the discharger. And I  
10 would -- well, I don't want to predict, but I would say that I  
11 think that these assessment amounts will continue to increase.

12 In one case that I would -- a couple of cases -- one.  
13 The City of San Luis Obispo has been very slow to upgrade their  
14 utilities, including the sewage treatment plant. And they got  
15 involved last year and earlier this year in some discharges that  
16 involved the San Luis Obispo Creek. And we levied in a civil  
17 liability -- two liabilities that total up to \$130,000.

18 Now, that may not sound like an awful lot of money, and  
19 yet I think had we gone tremendously over that, it would have  
20 affected the ability of the community to find the money to  
21 upgrade their plant, which in itself is a very expensive  
22 operation.

23 So, one of the things that the Board has to do is to  
24 temper in its judgment, you might say, the severity of the crime,  
25 and how do you keep this person from folding up -- and I'm not  
26 thinking now of businesses, but of government agencies -- and not  
27 levy a liability against them that negates your -- negates their  
28 ability to meet what you're trying to get them to accomplish.



1           SENATOR HART: In the area that I'm familiar with in  
2 Santa Barbara County, we're talking about private parties, not  
3 public agencies. I understand what you're saying in closing down  
4 a public agency.

5           Senator Mello made reference earlier to not wanting to  
6 put people out of business, and I understand that. I think the  
7 Board has to be sensitive.

8           But when you have a repeated violator, sometimes putting  
9 him out of business may not be the worse thing that could happen.

10          I think imposing fines that are going to mean something,  
11 given the resources that some of these either public or private  
12 agencies have, is important. For a four-year period, to have  
13 \$59,000 worth of fines over a three or a five county area, given  
14 the severity of some of the problems that we're talking about,  
15 that's the concern that I have.

16          I'm pleased to hear you say that you think that the  
17 Board has learned through this process, and you think they're  
18 taking more vigorous action.

19          MR. RATHMELL: That's correct.

20          SENATOR HART: I hope that continues.

21          CHAIRMAN ROBERTI: Senator Petris.

22          SENATOR PETRIS: Your appointment is in the category of  
23 special competence in areas related to water quality problems.

24          What was that at your original appointment, special  
25 competence?

26          MR. RATHMELL: The experience that I mentioned in  
27 connection with the water quality problem in the South Bay. The  
28



1     alleged and then the apparently proved increase in the level of  
2     nitrates in ground water.

3             SENATOR PETRIS: Was that before your appointment, your  
4     original appointment?

5             MR. RATHMELL: Yes, sir.

6             SENATOR PETRIS: Are you familiar with the Auditor  
7     General's Report?

8             MR. RATHMELL: I heard you read it. I think that's the  
9     one you were reading parts of.

10            SENATOR PETRIS: Yes.

11            I think it might be a good idea for all the members.  
12     It's fairly old; it's several years back. I hope that maybe when  
13     they do another audit, it'll show a big increase and improvement  
14     in the enforcement.

15            MR. RATHMELL: I would expect that it would, Senator,  
16     because, as you say, it goes back a number of years. I don't  
17     know the date of it.

18            SENATOR PETRIS: It's 1984.

19            MR. RATHMELL: Well, you see, we didn't -- speaking for  
20     myself, I came on the Board in late 1985, when we were just  
21     starting the civil liabilities at that time. So, I would  
22     anticipate that a subsequent report would be much more to your  
23     liking.

24            SENATOR PETRIS: Well, I would hope so. The clue we  
25     have, however, is the survey based on fines through '88, through  
26     last year, which don't look too good.

27            Thank you.

28





1 CHAIRMAN ROBERTI: Any further questions?

2 SENATOR MELLO: Move the confirmation.

3 CHAIRMAN ROBERTI: Senator Mello moves the  
4 recommendation to the Floor.

5 Is there opposition?

6 SENATOR MELLO: Mr. Chairman, I might make one note.

7 I've checked this gentleman's record. I think he's  
8 worked diligently.

9 One thing I look at is the fact that he was born in  
10 1907. I don't know how many members we've had come up here for  
11 confirmation, but I just want to say to you: don't ever let them  
12 put you on the shelf. Just keep on as long as you can.

13 MR. RATHMELL: Well, thank you, Senator.

14 For what it's worth in your deliberations, tomorrow's my  
15 82nd birthday.

16 (Applause.)

17 CHAIRMAN ROBERTI: Very good.

18 Secretary will call the roll.

19 SECRETARY WEBB: Senator Beverly.

20 SENATOR BEVERLY: Aye.

21 SECRETARY WEBB: Senator Mello.

22 SENATOR MELLO: Aye.

23 SECRETARY WEBB: Senator Petris.

24 SENATOR PETRIS: Aye.

25 SECRETARY WEBB: Senator Craven. Senator Roberti.

26 CHAIRMAN ROBERTI: Aye.  
27  
28



1           The vote is four to zero; the confirmation is  
2 recommended to the Floor.

3           Congratulations.

4           MR. RATHMELL: Thank you, sir.

5           SENATOR HART: Senator Roberti, could I raise one final  
6 point?

7           CHAIRMAN ROBERTI: Yes, please.

8           SENATOR HART: I've raised this before in my opening  
9 statement, and you weren't present.

10          It would really be, I think, helpful to me and perhaps  
11 to other Members, maybe I need some clarification on this.

12          I raised the issue of affirmative action on this  
13 particular Board, which is made of eight men and one woman.  
14 There are no minority or under-represented. For example, the  
15 Hispanics, which represent 25 percent of this geographical  
16 region, the Board's been in existence for 20 years; there's only  
17 been one Hispanic during that period as best we can tell.

18          I recall you making comments, I believe, on the Senate  
19 Floor not too long ago about the importance of affirmative  
20 action, and that was in one particular instance.

21          It's the Governor's appointment, but it's the Senate's  
22 duty to confirm.

23          Is there a policy of this Committee as it relates to  
24 affirmative action concerns and taking those into account on  
25 these boards? Any individual candidate should not have to bear  
26 the burden, but in a sense, if you don't have some way of looking  
27 at things in their totality, nothing ever happens.



1           CHAIRMAN ROBERTI: We have indicated to the Governor in  
2 the past on some of the governing boards on education that we  
3 were recommending that he appoint from the diversity of the  
4 state.

5           He did listen to us on CSU and made an excellent  
6 appointment.

7           I guess we should expand that to other boards as well.  
8 You're right; you hate to have any one member bear the burden of  
9 a societal problem, but I think if we announce ahead of time to  
10 the Governor that this is a major problem, and recommend that  
11 future appointments should be made with this in light, I think he  
12 would respond.

13           How far we should extend that to the other boards, I  
14 think we will.

15           Governor Deukmejian, I think, is remiss on this board,  
16 but frankly in many of his other boards, with the exception of  
17 education, I think he has made a conscious effort to have his  
18 boards reflect ethnic diversity as well as representation for  
19 both men and women.

20           But certainly, on the Water Board, where you've had some  
21 illnesses, especially affecting poverty, it's something that I  
22 think we should take into consideration. Maybe at our next  
23 meeting, after we reflect on these appointments, we'll do  
24 something.

25           The Senate Rules Committee will take a five-minute  
26 break.

27

28



Thereupon a brief recess was taken.)

CHAIRMAN ROBERTI: The Committee will come to order.

Now we will go back to Mr. Ronald E. Koenig, Member and Chair of the Board of Prison Terms.

Mr. Koenig, we'll ask you what we've asked all the Governor's Appointees -- you're familiar with our process here -- and that is why you feel you're qualified to maintain this position?

MR. KOENIG: Thank you, Senator.

I appeared before the board four and a half years ago, a little over four years ago, and at that time I stated my qualifications as 26 years in law enforcement, with 11 of those years in administration as the Sheriff of Tehama County.

At that time, I was also appointed as Chairman of the Board; therefore, I assumed the responsibilities of administration of that Board and have been in that status for the past four years.

We've accomplished an awful lot at the Board, and I was going to mention an awful lot -- some of those accomplishments, but to save time, I would like to mention just one. That's in the affirmative action area.

When I became Chairman of the Board in 1985, we were under parity in particularly the Hispanic and disabled area. We -- our policy at the Board was to be very aggressive in affirmative action hiring.

For the past three years, we have maintained a 28 percent Hispanic intake in the Deputy Commissioner level, and





1 today we are at 17.8 percent, which is much higher than the state  
2 average in that particular area.

3 The average for Black employees is 6.6 percent. We are  
4 at 12 percent, and I can say with happiness that we are at parity  
5 in all represented groups at the Board, and we'll hopefully  
6 maintain that, or at least try to.

7 CHAIRMAN ROBERTI: Thank you very much.

8 Any discussion or debate? Any opposition?

9 A little bit easier than the last go around.

10 SENATOR MELLO: I'll move it.

11 CHAIRMAN ROBERTI: Senator Mello moves. Secretary will  
12 call the roll.

13 SECRETARY WEBB: Senator Beverly.

14 SENATOR BEVERLY: Aye.

15 SECRETARY WEBB: Senator Mello.

16 SENATOR MELLO: Aye.

17 SECRETARY WEBB: Senator Petris.

18 SENATOR PETRIS: Aye.

19 SECRETARY WEBB: Senator Craven. Senator Roberti.

20 CHAIRMAN ROBERTI: Aye.

21 The vote is four to nothing; the confirmation is  
22 recommended to the Floor.

23 Congratulations.

24 MR. KOENIG: Thank you very much.

25 CHAIRMAN ROBERTI: Next is Edmund Tong, Member of the  
26 Board of Prison Terms.

27

28



1 Mr. Tong, we'll ask you the same question: why you feel  
2 you're qualified to maintain this position?

3 MR. TONG: Mr. Chairman, Members, I've served in this  
4 position for eight years. Prior to coming to the Board, I did  
5 have training in the -- as a graduate student in the area of  
6 sociology, concentrating on race relations and social problems.  
7 I think that that training has helped me in terms of  
8 understanding some of the problems that we face.

9 And I think that the letters that I've submitted  
10 indicate the nature of the work that I've done for the past eight  
11 years, and on that basis I feel that I'm qualified to continue in  
12 the position.

13 CHAIRMAN ROBERTI: Thank you.

14 Any discussion or debate? Is there any opposition?

15 SENATOR BEVERLY: Move we recommend confirmation.

16 CHAIRMAN ROBERTI: Senator Beverly moves that  
17 confirmation be recommended to the Floor.

18 Is there any discussion or debate? Any opposition?  
19 Seeing none, Secretary will call the roll.

20 SECRETARY WEBB: Senator Beverly.

21 SENATOR BEVERLY: Aye.

22 SECRETARY WEBB: Senator Mello.

23 SENATOR MELLO: Aye.

24 SECRETARY WEBB: Senator Petris.

25 SENATOR PETRIS: Aye.

26 SECRETARY WEBB: Senator Craven. Senator Roberti.

27 CHAIRMAN ROBERTI: Aye.  
28



1           The vote is four to nothing; the confirmation is  
2 recommended to the Floor.

3           Congratulations.

4           MR. TONG: Thank you, Mr. Chairman and Members. Thank  
5 you very much.

6           CHAIRMAN ROBERTI: You're welcome.

7           The next appointment is Lorrie I. Ward, Member of the  
8 State Personnel Board.

9           Ms. Ward, we'll ask you the same question: why you feel  
10 you're qualified to assume this position?

11          MS. WARD: Thank you, Senator.

12          I've been in State service for the past 13 years. I  
13 started at the entry level in the Legislature, and I worked my  
14 way up from there. And although those positions were not of a  
15 civil service nature, there is a similarity in structure.

16          From there, I spend four years in the Attorney General's  
17 Office, and I worked very closely with civil service employees  
18 there, both rank-and-file and management employees. And the six  
19 years I've subsequently spent in the Governor's Office have  
20 broadened my knowledge of State government and how it works at  
21 various levels.

22          So, I feel I have a fairly good working knowledge of the  
23 State civil service system from, maybe, the bottom on to the top.

24          I'm personally committed to the goals of the State  
25 Personnel Board, both the merit -- or the oversight function of  
26 the merit system as well as the affirmative action goals. And I  
27 would very much like to be a part of that, of the solution to the  
28



1 problems, or the challenges at least, that face the Personnel  
2 Board.

3 I accepted this appointment with no preconceptions, and  
4 I feel that I could be fair and unbiased, and given the  
5 opportunity I would be honored to serve on the Board.

6 CHAIRMAN ROBERTI: Thank you very much.

7 Are there any questions? Is there any discussion,  
8 debate or opposition?

9 SENATOR BEVERLY: Move the approval.

10 CHAIRMAN ROBERTI: Senator Beverly moves that  
11 confirmation be recommended to the Floor.

12 Secretary will call the roll.

13 SECRETARY WEBB: Senator Beverly.

14 SENATOR BEVERLY: Aye.

15 SECRETARY WEBB: Senator Mello.

16 SENATOR MELLO: Aye.

17 SECRETARY WEBB: Senator Petris.

18 SENATOR PETRIS: Aye.

19 SECRETARY WEBB: Senator Craven. Senator Roberti.

20 CHAIRMAN ROBERTI: Aye.

21 The vote is four to nothing; confirmation is recommended  
22 to the Floor.

23 Congratulations.

24 MS. WARD: Thank you very much.

25 CHAIRMAN ROBERTI: Finally, the confirmation of J. Gary  
26 Shansby, Member of the Board of Trustees for CSU.





1 We'll ask you the same question, Mr. Shansby: why you  
2 feel you're qualified to assume this position?

3 MR. SHANSBY: Thank you, Mr. Chairman.

4 I've been involved in education in California for a long  
5 time. For approximately 20 years, I served on two boards at the  
6 University of California at Berkeley; the University of  
7 California at San Francisco advisory board; the same area's  
8 College Board of Regents; the University of San Francisco Board;  
9 and I had the pleasure of serving as Chairman of the Committee  
10 for Review of the Master Plan for Higher Education.

11 I'm a former CEO of a Fortune 500 company and have long  
12 believed in taking the time I have available to dedicate to  
13 education and to government processes.

14 CHAIRMAN ROBERTI: Thank you very much, Mr. Shansby.

15 Is there any opposition in the audience? Discussion or  
16 debate? Senator Petris.

17 SENATOR PETRIS: Did you live in the East Bay when the  
18 Shaklee people hired you?

19 MR. SHANSBY: Yes, Senator. I was a resident of  
20 Danville, and I lived in San Francisco when the Shaklee family  
21 recruited me in 1975.

22 SENATOR PETRIS: They were in Hayward at the time.

23 MR. SHANSBY: They were in Hayward and made a decision  
24 to move to Emoryville when I joined the company.

25 SENATOR PETRIS: Which is in my district. Nice folks,  
26 the Shaklee people, I might add. Very committed to the  
27 community.  
28



1           They gave a nice contribution to the California College  
2 of Arts and Crafts, among other good things.

3           What's the Lincoln Club of Northern California?

4           MR. SHANSBY: The Lincoln Club is an organization  
5 composed of business and society and professional people that are  
6 committed to promoting candidates for office from a balanced  
7 slate, with a leaning towards the Republican Party.

8           Sorry, Senator.

9           SENATOR PETRIS: That's all right.

10          CHAIRMAN ROBERTI: We'll have to come up with a  
11 Jefferson Club one of these days.

12          SENATOR PETRIS: Yes, although philosophically, I claim  
13 Lincoln for our party now days.

14          We another candidate just a week or two ago, and I'm not  
15 going to take as much time as I did then. I spent quite a bit of  
16 time with him, but I wanted to express my very big disappointment  
17 in the labor relations policies of the administration.

18          It's not so much pointing to a particular case. There  
19 are a lot of cases I can cite that I still have before me. My  
20 basic problem is the attitude.

21          As I explained to the prior candidate, when I look at a  
22 terrific university system, or any university, I look at it with  
23 a great deal of reverence and respect because of its role in  
24 society in educating our young people. And I'm particularly fond  
25 of the faculty and their role, and I admire them.

26          When I look at the Cal. State, I have that feeling, but  
27 then when I look at them in a different capacity, which is  
28



1 management, their image in my mind is converted from a beautiful,  
2 inspiring image, to a real mean bunch of people in their attitude  
3 toward employees.

4 Now, the types of cases that we've had are findings by  
5 the administrative law judges, time after time, over a period of  
6 ten years now, of violating the statutes: the requirements to  
7 bargain in good faith; the requirements to give out information  
8 when it's requested; the requirements to refrain from giving out  
9 certain information prematurely until it goes through the proper  
10 channels. Just one type of case after another.

11 I get the impression that the pattern that's established  
12 is so bad that it really requires a change.

13 I'm going to ask you if you're involved at all in these  
14 problems of labor relations, and also ask you to be as alert as  
15 you can.

16 As a former CEO, you know what labor relations are, and  
17 the Shaklee Company, as a matter of fact, has an outstanding  
18 reputation of fairness and so forth.

19 I'd like you to comment on any perception you might have  
20 of what the situation is there, and whether you agree that it  
21 needs improvement. Maybe you don't agree; I don't know.

22 MR. SHANSBY: Well, Senator, I don't like to look back.  
23 I certainly have a record of not standing still and being quiet.  
24 It's a public record, and it's a public record on the Commission  
25 for the Review of the Master Plan.

26 I'm a firm and strong supporter and believer of  
27 collective bargaining. I'm also a strong believer of open  
28



1 communication, and I believe that when one has to resort to  
2 coming to the legislative process or to a legal process, the  
3 communications have broken down.

4 And I happen to know Trustee Saenger quite well. My  
5 record is at least as strong as his, and I'm an advocate for the  
6 rights of all people and open communication.

7 I was proud of our record at Shaklee, and I will be  
8 proud of my record, I'm sure, as a Trustee of CSU.

9 SENATOR PETRIS: Are you in a position to influence that  
10 policy?

11 MR. SHANSBY: I'm a member, a newly appointed member, of  
12 the Collective Bargaining Committee.

13 SENATOR PETRIS: You are?

14 MR. SHANSBY: Yes.

15 SENATOR PETRIS: Well, I hope you will remember the  
16 points I made here. Maybe you heard about the things I took up  
17 with Mr. Saenger.

18 I really think there's a need for enormous improvement  
19 there. We have a letter here from one campus to all Unit 3  
20 employees. This is one of the campuses, but it says it's a  
21 statewide policy.

22 Now, one of the complaints that the faculty and others  
23 have made to us in the Subcommittee on Education, most of this  
24 information I get not from Rules but in my capacity of being a  
25 member of the Subcommittee on Education in the budget process.  
26 We review the entire budget of all education, from 1st grade  
27 through the highest graduate level.

28





1           Something that to the outsider might look like a little  
2 thing, the problem of parking fees. The faculty group tells us  
3 that's always supposed to be a matter that's discussed and it's  
4 negotiated. And it's not supposed to be subject to the arbitrary  
5 whim of some administrator or the Board itself in unilaterally  
6 raising fees without consultation. And they repeatedly come to  
7 us and give examples of that happening.

8           The administration repeatedly denies it. So now, we  
9 always confer with them. We talked about it last week or a year  
10 ago.

11           Now here's a letter dated August 18 to all employees in  
12 that category, increase in parking fees effective -- let's see,  
13 the letter's dated August 18, it's effective Monday:

14                   "Regular parking enforcement will begin  
15                   on September 11."

16           So I guess it begins sometime in September. It raises the fees  
17 from the present amount to some higher amount. And it says, of  
18 course, that'll be taken out of their pay. It's a deduction.  
19 They get it directly.

20           And then, for enforcement, I don't know how that  
21 happens, but it says:

22                   "Pursuant to a directive from the  
23 Chancellor's Office in memoranda  
24 relating to collection requirements,  
25 retroactive fees will be deducted  
26 from the affected employees' State  
27 tax return if the invoice is not  
28 paid by October 1, 1989."



1 So, they're going to bill them a certain amount, and if they  
2 don't come through, wham.

3 I'm told there was absolutely no meeting and  
4 consultation on this. And it's been a sore thumb on the hands of  
5 faculty members and other employees for quite a long time. It's  
6 not an isolated incident.

7 I just used this because it's recent and came to my  
8 attention.

9 It just seems to me that since they know that this  
10 really grates the employees, and they'd like to have a chance to  
11 discuss it because it's part of the overall package of things,  
12 here they are coming at us again with something like this.

13 Do you have any knowledge of that?

14 MR. SHANSBY: Well, as a new Trustee, I heard the  
15 aftermath of very, very last brief discussions on it.

16 My position on it, Senator, is that I have to start at a  
17 point in time, and I don't like to look back. The issue has a  
18 lot of merit, and it probably has positions on both sides.

19 The fact that communications broke down is the biggest  
20 disappointment to me. All I can say is that the Collective  
21 Bargaining Committee that has been formed has about an 80 percent  
22 turnover of membership, which I think is probably healthy.

23 I can assure you and the Rules Committee that I will be  
24 active, and I'll communicate, and I'll communicate before it even  
25 needs to get to this process.

26 SENATOR PETRIS: I certainly hope you would.  
27  
28



1           They hired a new person, Mr. Naples, I guess. He came  
2 before the Committee, and I talked to him about it, both publicly  
3 and privately, and he acknowledged there'd been a lot of  
4 problems, and that's why he was hired, and he was going to work  
5 very hard to smooth them over.

6           I really haven't seen much evidence of improvement.

7           MR. SHANSBY: Well, no one --

8           SENATOR PETRIS: I think it really goes back to  
9 attitude. We can differ on the resolution of a particular issue,  
10 but one of the main gripes is the process, the arrogance. The  
11 list is kind of long, and we've had a long day, and I don't think  
12 everybody wants to hear it.

13          MR. SHANSBY: All I can say --

14          SENATOR PETRIS: I have to go back to attitude. There  
15 ought to be a better attitude, and fair and proper treatment for  
16 the employees, and sticking with their own contract, complying  
17 with their own contract and with the State regulations.

18          MR. SHANSBY: I agree with you.

19          I've never had a problem in my entire career in business  
20 or education or government with communications, and never had a  
21 labor dispute. It's a matter of communication.

22          I can promise that I will open communications.

23          SENATOR PETRIS: I'm delighted. I'm glad you're on that  
24 subcommittee.

25          I might point out on that parking thing that the  
26 consultant engaged by the University recommended lowering the  
27 fees. Now, that's not binding and final, but he did a study and  
28



1 he said, "You ought to go this way." They went the opposite way;  
2 again, without meeting and conferring.

3 That's enough on my part. I think you're going to be a  
4 good Board Member and a particularly sensitive one.

5 I know a little bit about the Shaklee people and their  
6 style of doing business, and I think it's highly commendable.  
7 Having been CEO of that for ten years says a lot to me, so I wish  
8 you well.

9 MR. SHANSBY: Thank you. I enjoy the association.

10 CHAIRMAN ROBERTI: Please come forward.

11 MR. NICHELSON: My name is Pat Nicholson. I'm President  
12 of the California Faculty Association.

13 I won't go over the testimony that we presented you and  
14 Mr. Shansby earlier.

15 As we say in the opening there, we look forward to  
16 working with Mr. Shansby. Every signal is that he will be  
17 somebody who is approachable and accessible, and who believes in  
18 collective bargaining.

19 I think what I would add to what both Mr. Shansby and  
20 Senator Petris have said is that it's not only communication and  
21 attitude, and those are essential, but what we believe is there's  
22 even been a certain break down in the law. This body and the  
23 Assembly and the Governor, in 1979, passed HEERA, the Higher  
24 Education Employer-Employees Relations Act, and from the  
25 perspective of the staff unions, there has been no bargaining  
26 since then. It's more like every year we have to recreate  
27 bargaining itself, rather than getting on with the issues.





1           So, for example, this infamous parking thing, from our  
2 viewpoint without bargaining and with punitive retroactive  
3 imposition, is a classic example of a body -- whether it's the  
4 Trustees and the administration or either one alone -- simply  
5 drifting off, feeling that it's got some kind of statutory  
6 immunity, rather than a statutory obligation to bargain.

7           This is a matter of grave concern for us as faculty. We  
8 think the University is on the verge of tremendous changes.  
9 We're talking about 50-60 percent overturn, change over in the  
10 full-time faculty over the next eight to ten years. A great  
11 diversification of the population we're dealing with, and talk  
12 about new campuses.

13           It's really time. It's getting to be a matter of, in  
14 many ways, an emergency for the CSU people, the CSU community, to  
15 pull together.

16           I know that many of you are perhaps even a little tired  
17 of the complaints that we bring to you because you naturally say,  
18 "We gave you collective bargaining. Why do you come running to  
19 us?" Well, people who are unempowered, or who are being shunned  
20 away from the bargaining process naturally come back to the  
21 Legislature.

22           We wish Mr. Shansby luck. We're looking forward to  
23 communicating with him as much as possible. We think it'll take  
24 more -- well, it's absolutely necessary that there be better  
25 communication and attitude. He's going to be swimming upstream  
26 against a whole bureaucratic apparatus, both with the Trustees  
27 and the administration there that simply, as far as we can tell,  
28 has not believed in collective bargaining to this point.



1 I would like to ask you to listen, if you would, to a  
2 colleague form another staff union. I really thank you for your  
3 attention and for your good works.

4 CHAIRMAN ROBERTI: Thank you very much.

5 Please come forward.

6 MR. TOLAND: Mr. Chairman and Members, my name is John  
7 Toland. I'm the Administrator for the California State Employees  
8 Association, CSU Division. We represent 13,000 support staff,  
9 mostly women and minorities.

10 I will not belabor the point that collective bargaining  
11 has not been working at CSU. We've been here enough; you've  
12 heard enough of that.

13 In a brief discussion with Mr. Shansby, he's assured us  
14 that he's going to do everything in his power to open up the  
15 lines of communication and get these issues on the table so that  
16 we can deal with these effectively and have -- stop having to  
17 come to the Legislature for assistance in making this process  
18 work.

19 And that's what concerns us more than anything, is that  
20 fact that the process has broken down, and it was not intended to  
21 do anything but make the University work.

22 We're going to do everything in our power to work with  
23 the Trustees and with the administration to make that happen, and  
24 we certainly hope that it's reciprocated coming down from above.

25 We wish him luck. We wish him a lot of good times at  
26 the Trustee level. We're certainly going to do our -- everything  
27 in our power to work with him at the Trustee level.

28



1 We thank you for the opportunity.

2 CHAIRMAN ROBERTI: Thank you very much.

3 Any other witnesses?

4 SENATOR BEVERLY: Move we recommend confirmation.

5 CHAIRMAN ROBERTI: Senator Beverly moves confirmation.

6 Any opposition? Secretary, call the roll.

7 SECRETARY WEBB: Senator Beverly.

8 SENATOR BEVERLY: Aye.

9 SECRETARY WEBB: Senator Mello.

10 SENATOR MELLO: Aye.

11 SECRETARY WEBB: Senator Petris.

12 SENATOR PETRIS: Aye.

13 SECRETARY WEBB: Senator Craven. Senator Roberti.

14 CHAIRMAN ROBERTI: Aye.

15 The vote is four to nothing; confirmation is recommended  
16 to the Floor.

17 Congratulations.

18 MR. SHANSBY: Thank you very much.

19 (Thereupon this portion of the Senate  
20 Rules Committee hearing was terminated  
21 at approximately 5:15 P.M.)

22 --oo0oo--  
23  
24  
25  
26  
27  
28



CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

5th day of September, 1989.

  
EVELYN MIZAK  
Shorthand Reporter









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1989  
no. 29

JOINT HEARING OF THE  
Senate Rules Committee

AND THE

Senate Energy and Public Utilities Committee

HEARING ROOM

U.S. SENATE

WASHINGTON, D.C.



# TELEVISIONING THE LEGISLATURE

SENATOR DAVID ROBERTI, Chairman  
SENATOR HERSCHEL ROSENTHAL, Chairman

September 20, 1989



JOINT HEARING  
SENATE RULES COMMITTEE  
AND  
SENATE ENERGY & PUBLIC UTILITIES COMMITTEE  
STATE OF CALIFORNIA

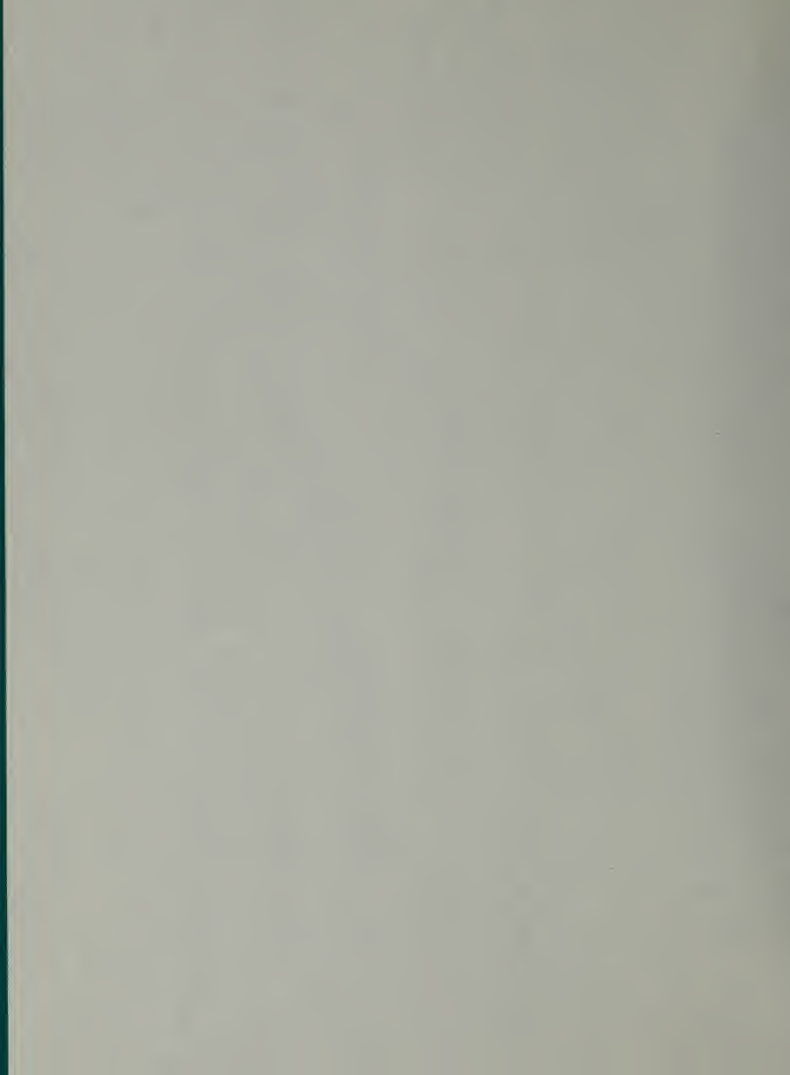
STATE BUILDING  
ROOM 1138  
LOS ANGELES, CALIFORNIA

WEDNESDAY, SEPTEMBER 20, 1989

9:45 A.M.

Reported by:

Evelyn Mizak  
Shorthand Reporter



APPEARANCES

MEMBERS PRESENT

SENATOR DAVID ROBERTI, Chairman  
Senate Rules Committee

SENATOR HERSCHEL ROSENTHAL, Chairman  
Senate Energy & Public Utilities Committee

SENATOR ALFRED ALQUIST

SENATOR ROBERT BEVERLY

STAFF PRESENT

KATHY HUMPHREY, Consultant  
Senate Rules Committee

PAUL FADELLI, Consultant  
Senate Energy & Public Utilities Committee

LORETTA RIDDLE, Assistant  
Senator Alquist

ALSO PRESENT

WALTER ZELMAN, Legislative Advocate  
Common Cause

CAROLE WAGNER VALLIANOS, President  
League of Women Voters

DORI PYE, President  
Los Angeles Business Council

SHIRLEY SHAFFER, Assemblywoman  
California Senior Legislature

VIC BIONDI, Executive Director  
California Broadcasters Association

TRACY WESTEN, Professor  
USC Annenberg School of Communications

WILLIAM KOBIN, President and CEO  
KCET (Public Broadcasting)

JESS MARLOW  
KNBC

JOHN THOMAS, Executive Producer  
Florida Public Television





APPEARANCES (Continued)

SUSAN HERMAN, Director  
Los Angeles Department of Telecommunications

ED ALLEN, Founder and Boardmember  
C-SPAN

PAUL KOPLIN, Executive Director  
California Channel

BETH GIVENS  
USC Annenberg School of Communications

DENNIS MANGERS, Legislative Advocate  
California Cable Television Association

WALTER GERKEN, Board Member  
California Channel  
Past Chair, California Roundtable

MOONYEAN KISTLER  
Member of Audience



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P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROSENTHAL: The hour of 9:30 having arrived, may we have our participants here at the front desk, front table.

As Chairman of the Senate Energy and Public Utilities Committee, I'm certainly pleased to be here today to be holding a joint hearing on the possibilities of televising the activities of the State Legislature with the Senate Rules Committee and its Chairman, Senator David Roberti. It's always an honor to have the Senate Pro Tempore present.

Would you like to open?

CHAIRMAN ROBERTI: Thank you, Senator.

I'd like to welcome everybody here: myself, Senators Rosenthal, Alquist and Beverly.

As you know, the 1989 legislative session just came to a close last Friday, and we feel it was an especially productive year. Among other things, we've banned assault weapons in California, developed a new transportation program in the state. We allocated Proposition 99 tobacco tax dollars, a portion of that going to health care. We tackled the State's garbage problem.

There are other things besides these that didn't get quite as much attention: unemployment benefits were reformed after seven years; the blood alcohol level was decreased as far as drunk drivers were concerned; and now you can receive a tax credit for helping your employees find child care.

However, the problem is that to make democracy work, citizens must be informed. Representative government demands free and open communications between citizens and their elected officials.

In my eight years as leader of the State Senate, I've worked to ensure to make the law making process efficient, fair and open. We this year also passed an ethics reform package, so we feel that the law making process is an open one, the public's business to be conducted in public. But the problem is, who's around to see it?

We need more citizens involved in politics in government to keep government honest, and to keep government responsive to the citizens.

I've talked about some of the successes this year. I didn't talk about any of the failures of last year; nevertheless, that would have been something to see also, where programs that the public wants enacted don't become enacted.

So, the issue before us this morning is how we can communicate more effectively. Perhaps by televising legislative proceedings, we can make State government more accessible, and the public will be able to get information it needs to participate more fully in the political process.

I have questions about how best to accomplish this. I want to know if a C-SPAN model is appropriate for our state. Is the public willing to see tax dollars spent on televising the Legislature? We want to know even if we did, there has to be some audience, but the question is who would watch? Would anyone watch? What impact would this have on the process itself? That also is significant because, even if a fraction of the citizens are watching, as important as that is, there is always a downside, and that is that the desire to star sometimes can stall proceedings.

So, I look forward to interests from the witnesses as to what they feel we should be doing, and how they feel we can best communicate, and if C-SPAN is the proper route to go.

So, I want to thank everyone for coming. I want to thank my colleagues for coming, and I look forward to hearing the witnesses.

CHAIRMAN ROSENTHAL: I think it's definitely appropriate that these two committees should both be represented here today to discuss the possibility of televising the activities of the Legislature. Senate Rules, of course, represents the administrative and housekeeping committee of the Senate, where issues of costs, procedure and process are the primary focus. Energy and Public Utilities not only has jurisdiction over certain aspects of cable, but also represents a policy committee. And what we are really discussing here is whether or not important policy matters of every variety, from every policy committee, will be debated in full public view for all Californians.

We do have a specific proposal before us today -- the "California Channel" -- which put forth its report and proposals last month. The concepts explored in the report produced by the Annenberg School of Communications were well received by the state media and editorial boards, which all too often, ironically, place the most news emphasis on federal and local events.



But, we are not here today to endorse any specific program over another, but rather to explore: whether it is in the public interest to televise what State Legislators do in Sacramento; whether it is in the taxpayers' interests to pay for parts of that capability; and whether the media and the cable industry will be interested enough to facilitate a greater coverage of the State Legislature if we do move toward TV coverage.

But let's be honest with ourselves. California is a nation-state. And from my position as Chairman of a committee which reviews many new technological advances with respect to telecommunications and the transfer of information, it is my view that California and its citizens are working at a disadvantage not to have the State Legislature televised.

Just this year alone, issues such as Senator Roberti mentioned, such as gun control, workers' compensation, the merger of giant state utilities, new health benefits, and insurance reform have been debated in Sacramento -- issues which will have a profound impact on all Californians.

So, if some here today may be asking why should we televise, I think I'm in the camp of supporters who only see this move as improving government and would probably respond: where have we been for so long?

I look forward to the discussion today, and want to commend Senator Roberti for initiating this important first step toward a more open and public legislative process in Sacramento. As he knows, I have authored Senate Resolution 30, now before Rules, which would establish a task force to lay the initial groundwork and make some cost projections on this project, which may be a good second step.

At this time now, I'd like to call upon the other Senators who are there, if they'd like to make an opening statement.

Senator Alquist, Chair of the Budget Committee.

SENATOR ALQUIST: I have little to add to what you and Senator Roberti had to say.

I think we came here to hear from constituents, not to express our own opinions. So, we'll listen and gather information.

CHAIRMAN ROSENTHAL: Thank you.

Senator Beverly?

SENATOR BEVERLY: No.

CHAIRMAN ROSENTHAL: Then we'll begin with our Panel. The subject matter title is: **What the public feels about the need for more television coverage of the Legislature.**

I will just take them in the order in which they're sitting: Walter Zelman, Common Cause.

MR. ZELMAN: Thank you, Senator Rosenthal, good morning.

Last year, or maybe it was earlier this year -- I forget -- the last outside Sacramento television bureau closed its doors in Sacramento. Since that time, and even long prior to that time, outside of Sacramento coverage of Sacramento politics on television has been minimal, if not nonexistent.

When it comes to television coverage of California politics, Sacramento is nothing more than a giant black hole. An awful lot of critical political and governmental activity goes on in Sacramento, and at least in terms of television coverage, very little of it ever gets out.

I was reading the Los Angeles Times this morning, and there, of course, on Page 1 of the Metro Section: "Gabor Gives a Slam Bang Tale of Arrest." I don't see too much television news myself. I'm not really home, usually, early enough, but I'm sure Zsa Zsa is all over the evening news, and maybe that's fine, maybe the public wishes to see Zsa Zsa on the evening news, but there are a lot of other important things going on in this world that are not making the evening news, in part because some people don't feel they're important enough; in part because they don't have anything to show. Television is a visual business, and there's frequently just nothing to show.

I understand that TV editors may favor news, however insignificant in its impact, that viewers might prefer watch, and maybe they have some sense of what viewers would prefer to watch. However, I do think television stations do have an obligation to report hard political news, and the public's lack of interest in political news, I think, is in part a chicken versus the egg problem. They don't see very much about Sacramento politics; they're not, therefore, very interested in Sacramento politics, and therefore they see even less of Sacramento politics, and it goes on and on and on.

For years -- to put this question of a C-SPAN network, or California Channel, or televising the Legislature in a larger sense -- for years Common Cause, as all of you know perhaps all too well, has been advocating various reforms before the State Legislature. We talked about campaign financing, ethics, and a number of other issues.

In a sense, though, the largest crisis we face in California politics is that the bonds between the governed and the governors are snapping. There is increasing distrust of government. There is an increasing lack of understanding of government. There's a lack of participation in government, not only in terms of voting, not only in terms of registration, but in terms of volunteerism, in terms of community service, in terms of a sense the general public has to its government of is the servant doing the job well.

I think this is a real crisis coming in California government, and I think it's coming around the country. There may be many, many reasons for it, certainly only a few of which emanate out of Sacramento. We have a more and more complex society. It's harder and harder for people to relate to government. They don't understand it. They can't get connected to it. We have two working person families. People don't have the time to volunteer any more. The institutions, the groups that used to connect the people and the government are not there in the same numbers. All of us are having a harder time getting involved people to cooperate with us. We're having a long-term crisis, and it's going to get very hard in terms of public confidence in government.

This concept of a C-SPAN type channel, or California Channel, is, I think, a modest opportunity to take a step in the right direction of approaching some of those problems. My own sense is that the public at first, at least, will not be enthralled by watching gavel-to-gavel coverage of the State Senate or the State Assembly.

I do think, however, that the public would find coverage of the press room interesting. A lot of interesting things go on in that room, not a few of which involve myself and others like me. But I think interesting things go on. There are interesting speeches in Sacramento every day. In one hotel or another, there's somebody saying something of real value and some interest.

That's not to say that what's going on on the Floor isn't of value and interest. It may just be duller in its type of presentation.

So, I think there's a lot of potential for this. I think there are public affairs shows, there are documentaries that could play off these kinds of ideas and find interest in at least a segment of the population. This is never going to be a number one seller, but I think there are some real opportunities to get people more involved, people more interested, people more knowledgeable.

So, I think the public affairs type of shows, certain kinds of coverage of certain kinds of Sacramento activities, I think, could be very valuable. And the availability of a television camera, the availability of news, the availability that a station here in Los Angeles could pick up a feed from this and taking something off the Floor debate, rather than the stock footage we always get when any Sacramento story which is covered -- guys moving their microphones around and never saying it happened six months ago -- would be very helpful.

So, I think that the availability of daily comments from journalists, from Legislators, from public interest advocates and others, that would be picked up on a daily basis and fed into local station feed, could be extraordinarily helpful.

So we're very supportive of this idea. We think something has to be done over the long haul to improve understanding of government, improve participation in government, and see this as a, perhaps, modest and very positive step in that direction.

CHAIRMAN ROSENTHAL: Thank you very much.

Our next witness is Carole Wagner Vallianos, League of Women Voters.

MS. VALLIANOS: Thank you.

Mr. Chairmen and Members of the Joint Senate Rules Committee and Senate Energy and Public Utilities Committee, my name is Carole Wagner Vallianos. I'm President of the League of Women Voters of California.

Thank you for the opportunity to address the issue of what the public feels about the need for more televised coverage of the Legislature.

The League of Women Voters is a national, nonpartisan, volunteer, grass-roots organization. We support -- we do not support candidates or political parties. We do, however, support issues, and those are issues that our members have studied and reached consensus.

The League has 80 local and regional Leagues throughout California. Since its inception 69 years ago, the League of Women Voters has promoted actions to improve access to government. As a way of improving that access, my Board gave approval in July of 1989 to join the Board of Directors of the California Channel.

We believe that televising the Legislature is an opportunity for the public to see and hear Sacramento. The California State Legislature is one of the most powerful governing bodies in the nation, yet surely one of the most neglected by the media.

We are only one of three states in the country that does not provide live coverage of debates in their legislature. Only Texas and California provide no funding for public broadcasting. There are no out-of-town television news bureaus remaining in Sacramento. The typical television coverage of news in the Capitol is barely a few minutes in a half an hour format.

With the complex issues facing the citizens of California, direct and independent televised legislative coverage would provide a first-hand unfiltered look. The League's position states that we promote an open governmental system that assures opportunities for citizen participation in government. We believe that the citizens' right to know must be protected. We further believe that citizen participation in government decision making must be facilitated, and an ideal way to do this is by televising the Legislature.

One of the areas for which the League is known is the sponsorship of both candidate and issue forums and debates. We have found that in our coverage of election issues, the public is anxious to see and to hear from a direct source. A full 78 percent of those surveyed answered yes when asked if they had happened to watch any of the three nationally televised presidential and vice presidential political debates in October of 1984, according to a Gallop Poll taken that October. The public is definitely interested in watching.

This is a generation that is accustomed to getting their information through the electronic media. Those people who are interested in government and how it affects their lives would be able to watch the Legislature in action, as well as reporters, educators, political professionals, and opinion leaders. But the average person would also have the opportunity to watch, and perhaps that's the most important person of all.

More than 120 cities and counties throughout California are now broadcasting their meetings. It is highly appropriate for the State Legislature to provide the same citizen access.

In summary, as a public interest organization, the League of Women Voters of California supports the concept of televising the Legislature. We believe in assuring that opportunity for citizen participation in government decision making.

Thank you.

CHAIRMAN ROSENTHAL: Just one question.

Do you think there would be the interest in nonelection years?

You commented about candidates during election years. What do you think would be your answer on that particular issue?

MS. VALLIANOS: Yes, I do. I think there would be interest. As Mr. Zelman said, there is much interest in some of the hearings that are being conducted, as well as on the Floor of the Legislature. And there are many opportunities for other public interest programming.

CHAIRMAN ROSENTHAL: Thank you.

Any questions? Senator Beverly.

SENATOR BEVERLY: Mr. Chairman, no question, but I just can't resist commenting that I'm glad you and the League are listening to each other again, regardless of the statement of the Elections Committee.

MS. VALLIANOS: Thank you, Senator.

CHAIRMAN ROSENTHAL: I was going to make a comment, but I didn't.

Our next witness is Dori Pye, President of the Los Angeles Business Council.

MS. PYE: Thank you.

I'm Dori Pye, President of the Los Angeles Business Council, the Chamber of Commerce. It's the Chamber of Commerce. It's accredited. It's the only Chamber of Commerce in the entire State of California that's accredited for 20 years by the U.S. Chamber of Commerce.

We are known as a political activist group. We're very, very much activists. We're very, very heavily involved in the political arenas. We were probably one of the forerunners of all the other Chambers in the State because of the fact that we really feel very strongly that in order to communicate, get our points across politically, and our concerns and issues which are issues that you're dealing with, we have to communicate with you. If we can't communicate with you, nothing gets done.



So as a result, we became kind of a maverick group because some of us are Democrats. Not every Chamber is Republican. We have many, many friends in Sacramento. We've also had many Sacramentans who enjoy our events down here in Los Angeles.

We represent about 750 corporate firms, a representation of approximately 50,000 employees. Our firms represent from the larger corporations, to Fortune 500, entrepreneurs, professionals, law firms, et cetera.

We are very, very involved in the political arena and concerned about transportation and about gun control. We supported you, Senator Roberti, very strongly in terms of your gun control. We're very proud to have played a small role in that.

We're very concerned about the transportation issues, about low-income housing and housing in all areas. I served as a commissioner on the Housing Authority. Hopefully, we will see more low-income housing and moderate priced throughout the whole state.

As a result, we are in the issues, and I feel very strongly and I concur with my two fellow colleagues who've spoken before me that it's very, very important that we communicate what we are doing in Sacramento.

Recently we took a trip up to Sacramento, and it was a legislative retreat. We brought about 30 individuals, members of our business organizations. They came up and in fact, we were in your office, Senator Roberti. We saw your beautiful desk, and even had a picture standing next to it. You weren't there, unfortunately; you were somewhere else.

We had opportunities to talk to both sides of the aisle. Herschel Rosenthal was there, and he was brilliant. We had other members that talked to Marian Bergeson, and we had members all over -- Ken Maddy.

And what we discovered was very interesting, because sometimes the average individual thinks that politicians are buffoons, that you all play at acting like you're trying to be stars.

And we were so impressed those two or three days up there with you people. We came back so impressed by all of you. You were just so dedicated; you were so sincere. You really take your jobs very, very seriously. And that is what the general public doesn't see. And I mean this so sincerely.

I have a television show. I'm very proud of it. I have a public access television show on Channel 3 Cable. It's now been syndicated. You know why it's been syndicated? It's now in the Valley, East Valley, the West Valley, it's not only South, Central Los Angeles, and it's only on prime time.

The reason is because I interview you people. I interviewed Herschel. I've interviewed the Governor. I've interviewed many on both sides of the aisle. You know what? People call. They say, "That's great! When's it going to be rerun again? When will we see that? We're impressed."

I'm telling you from my points of view that we believe very strongly that here's the opportunity to really lay it out, and I think also there will be those that might make some mistakes in front of that camera, but I think it's important.

I also concur with the lady here and Mr. Zelman, that you have talk shows. Get into the press. Just don't stand and look at a bunch of people milling around before the vote comes up. Make it exciting. Get a producer. Do something creative, and believe me, I will heartily support it.

CHAIRMAN ROSENTHAL: Thank you.

Do you think that the business community would be willing to help pay for the cost of providing such coverage?

MS. PYE: Well, I would say that I'm fairly known as a fundraiser, and I think we can certainly find ways and means for something as worthy as this.

CHAIRMAN ROSENTHAL: Thank you.

We're missing one of our panelists, and we will go now to Shirley Shaffer, who is an Assemblywoman with the Senior Legislature.

MS. SHAFFER: Thank you, Senator.

I'm pleased to be able to serve as a Senior Assemblywoman in the California Senior Legislature, an organization which is, perhaps, the best kept secret of California. Dr. Lee Strohbehn, Chairman of the Joint Rules, asked me to speak for the CSL.

The CSL was established in 1980 by the State Legislature to serve that body as their eyes and ears, to be responsive to the felt needs of the fast-growing elderly segment of our citizens. We're 120 registered voters, 60 years or older, and elected by our peers in March of the uneven years for two-year



terms. We're nonpartisan, nonsalaried volunteers, dedicated to seeking legislation which will protect the frail and vulnerable elderly of California.

The CSL's a mirror image of the State Legislature: 40 Senators and 80 Assemblypersons. We have the distinct privilege of being allowed to conduct our annual hearings and floor sessions in our beautiful Capitol building, and are most grateful to the Legislators who facilitate the process each October by chairing some of our floor sessions in their august Chambers.

When the proposals we have submitted have gone through the legislative process, we vote to put those which have passed in a priority order, and our limited energies are then focused on the top ten.

At this point, the Joint Rules Committee, 11 members chosen by their session's standing committees, and the 10-member Legislative Committee approach Members of the State Legislature who might be interested in authoring bills to cover our proposals.

As soon as such a bill is numbered, we all get into the action. The Legislative Committee members develop fact sheets for all our members, visit Members of the hearing committees, serve as witnesses when invited by the authors to do so. All members of the CSL are kept informed about the action so that they may advocate in their own districts and assist in letter writings to the hearing committee Members. If we are lucky enough to see a bill go to the Executive for signature, we write to the Governor as well.

Funds to run the CSL are raised by donations from California taxpayers on their State Income Tax forms, under the heading, "California Funds for Senior Citizens," right underneath "Alzheimer Research". The Legislature imposed a cap of slightly more than \$300,000, the balance, if any, going to direct services to the elderly. And lately, we have raised at least \$100,000 more for direct services each year.

Of the \$300,000, 75,000 is mandated to cover the expenses of the October session. The balance pays for support staff in the office of the Commission on Aging, postage, stationery, plus transportation and per diem for the Joint Rules and Legislative Committee.

All expenses incurred by the members in their own districts are their own donations toward CSL goals. They are not reimbursed.

Up until last year, we had the enviable record of having 75 percent of our proposals enacted into law. It has been a definite honor and pleasure to serve as researchers for the State Legislature, as well as the voices for those unable to speak for themselves in Sacramento.

Because we believe very strongly in the democratic process, we also believe that access to information which has not been condensed and editorialized is a right of each citizen. However, the size of our state alone prohibits access by many to the Capitol, and relatively few of the elderly have the opportunity to see government in action.

The Secretary of State, March Fong Eu, recently reported that in the previous State election, 29 percent of those who did vote were 60 years and older, and 51 percent were 50 years and older. It is obvious that the older citizens take their voting privilege seriously. If they are misled by the media, which compacts news on government to highlight only sensationalism, the process has been thwarted.

I visit many senior centers in my district, and the participants in the varied activities are hungry for news about what is really happening. In my own city of San Dimas, I report weekly to service organizations, fraternal groups, retirement communities, and the 33 cities I serve keep my speaking calendar full. They are all anxious to hear what is going on.

We can't say that all the 60-plus citizens will be glued to the cable channel featuring our lawmakers. Many cannot pay for cable.

But we can say that many of them who use TV as their eye on the world will watch and will then see first-hand what a heavy load these elected officials carry: 4,000 or more bills to study and evaluate; arguments pro and con to weigh; committee hearings galore; sometimes conflicting assignments; frustrations such as cancelled hearings with the consequent loss of witnesses who couldn't stay over for several days for rescheduling, and so forth.

When this hectic yet often productive process is seen and heard, the word will pass to increase the audience, and hopefully there will be an increased involvement of more of the electorate.

Wouldn't it be wonderful if our citizens would actually recognize their own Senator and Assemblyperson on camera? Wouldn't it make you proud to have at least 75 percent of those eligible to vote exercise that privilege?

What problems have to be addressed are technical, legal and fiscal in nature, and I would not presume to testify in that regard.

CHAIRMAN ROSENTHAL: Thank you very much.

Any comments from Senators?

I'd like to thank the panel, and we'll now move on to our second panel, which is entitled, "Journalism or public affairs? How the Legislature can work with the media to enhance coverage of the lawmaking process."

CHAIRMAN ROBERTI: Senator, I have to be leaving to open up a project in my district.

I wish you good luck. We'll be hearing this in Rules.

CHAIRMAN ROSENTHAL: Right.

I want to announce that one of our panelists was not able to get here this morning, Antonia Hernandez from the Mexican-American Legal Defense and Education Fund, MALDEF.

Thank you, Senator Roberti.

We'll take them in the order in which you are sitting. Vic Biondi, the Executive Director of the California Broadcasters Association.

MR. BIONDI: Thank you, Mr. Chairman, Members of the Committee.

I represent the California Broadcasters Association. My name is Vic Biondi.

I think your title, your panel title, may be one and the same thing. I don't think there is a choice between journalism or public affairs. Journalism is the coverage of public affairs. I don't think they're mutually exclusive; I don't think you have to make a choice.

What you asked us to do here is to answer several questions about how the Legislature can work with the media to provide enhanced coverage. I like the phrase, "enhanced coverage."

Senator Alquist, Senator Rosenthal, Senator Beverly, you've all been in Sacramento for some time. The Senate and the Assembly are very comfortable with cameras in their Chambers. You've lived with cameras for years in your hearing rooms and in your Chambers.

I think what we're talking about here is the age of technology and the capabilities it gives you and the Legislature in the use of it. Specifically, I think the Legislature can work with the media by providing basic enhanced coverage in maybe three areas: your Chambers, major hearing rooms, and other major events that happen in the Capitol -- the State of the State message and response to that.

What I'm talking about is an interim use of video for your purposes. It would be, in essence, a video squawk box. You know how everyone has relied on that over the years. I think that's what we're talking about.

Congress essentially uses that now, although the Congress doesn't have the experience -- I guess the California Legislature is somewhat enlightened in this way -- of having cameras in their Chambers. They still don't. They control the cameras.

But I think what we're talking about, our suggestion would be, an enhanced video and audio service of your sessions, of key committee hearings, and major events, made available outside the Capitol in various ways to the widest possible audience in California. Those audiences would be public and commercial television and radio news services, nonprofit foundations like the California Channel that produce their programming for cable service, K-12 education, community colleges, universities. I dare say that the education community in this state could use that facility very well today if it were provided.

The caution that we would make, however, is that the Legislature have no financial or editorial involvement whatsoever in the use of this feed once it left your building. I think that would probably be the best way you could work with the media, serve your purposes, justifiably expand a video and audio record.

We talk about television consistently. One of my jobs is to also represent radio. Radio is an untapped, flexible, very wide resource in California for this kind of service.

You also asked about coverage of legislative issues. We don't show up very well in the polls these days with the kinds of coverage we use. We have our problems.

I was part of that era when there were bureaus in the Capitol. I suppose it's unfortunate that bureaus aren't there now, but I would also point out that the new video news service in Sacramento now serves 15 stations, which is about twice as many that received coverage from the Capitol, even in the heyday of the bureaus.

But I think that argument really is not a waste of time, but beside the point, given technology today. When I was in the bureau, we shot film, and it had to be on the plane to Burbank by 12:30, or it wasn't news that day. Today's news is instantaneous at any time from the Capitol.

Our coverage is confined much of the time to following local significant issues you work on. We probably don't cover it as extensively as newspapers do, but we have a format and controls that are different. That's probably a whole other discussion for us to get into here.

Certainly viewers are interested in public affairs, as you were just told. As small as the number may be, I think the experience of C-SPAN tells you they deserve that extra source of information. I think this could be a beginning to give that to you. The effects of a C-SPAN certainly would be positive.

I would also caution you, as I did in the beginning, about financial and editorial control over an unfiltered look, as it was said. You'll be told this later. C-SPAN is totally independent from the Congress of the United States. It takes the feed -- it makes that part of its cable service -- but every other portion of its service is independently produced with its own equipment. I would urge you to remember that as you look at this.

The problems I can see, you've got to decide if you want that enhanced video coverage. I've spent a lot of time in Chambers with a camera. You people are human beings; things happen. Sometimes they're funny; sometimes they're serious. You have to decide for yourselves if it's proper.

You also have to decide on the cost. Senate Resolution 30 at least sets the tone for your interest in doing this, urges it.

There'll be contention over who controls the camera. As I said earlier, you've lived with cameras. It's something they've learned to live with in Washington, D.C., on who controls the camera. I don't think that's as big a problem as people made it out to be.

I would also urge you to remember that if you had an enhanced video service, do not forget that working radio and television crews still have access, on their own, to your sessions and your hearings. Some examples of good and bad use of this kind of service: the Fresno City Council, for example, is thinking of wiring its hearing room or its meeting room with video. They then told local broadcasters, "We don't want you in the chambers. We'll cover it from the anteroom." That's probably a misuse of the control of information.

Those of us who've been in the Capitol long enough to remember then-Governor Reagan's Student News Conferences, remember those? They hired the cameras; they locked the door of 1190. The press corps wasn't allowed in. They controlled the crew; they controlled the audience. And he'd say things he'd never say to us. It was a serious, serious problem. I think that's something to keep in mind.

A positive example, and something that California has become a model for the rest of the country for, are cameras in courtrooms. It's been in operation for years. It runs smoothly. Communities and local markets have learned how to handle it. I think that should be an example to you.

All in all, I think that you're ready to move into the '90s. I think the technology exists, and to make it mutually beneficial, we offer you our support and help in any way we can.

Thank you.

CHAIRMAN ROSENTHAL: Thank you very much.

Comments?

SENATOR ALQUIST: How would you go about controlling the cameras? How do you keep the majority party from deciding what gets televised and who gets cut off?

MR. BIONDI: I think, as you'll learn later, the C-SPAN model is excellent, although I think it's a little more rigid than you need to be, where you speak in the well at the Senate and the House. I think you can live with three-camera coverage or two-camera coverage of your Chambers.

I think, Senator, people are just going to have to learn to live with the fact there are cameras on. You've done it before.

SENATOR ALQUIST: I know, but I was thinking of an incident in Congress, where Newt Gingrich was making an impassioned speech for television to an empty house. Tip O'Neill made the cameraman point that out.

Suppose the Republicans had been in control of the camera, if they had been in the majority?

MR. BIONDI: Well, I think in the Senate, at least, the Rules Committee seems to be a little bit more broadly based than the other house. I don't think that that would be a problem.



The other thing you'll learn about C-SPAN, Senator, is that if those speeches are made after sessions are over, then it's clearly labeled that it's -- I forget what it is, but you'll learn about that. They've learned to live with that.

And the speech making and performing during sessions has been held to a minimum, just learn to live with it.

SENATOR ALQUIST: How do you know whether they're made before or during a session? I don't know that they're all that clearly labeled.

I guess the other question I would ask you, what's going to be the public reaction to it? Do you think they'll regard it as a self-serving action on the part of the Legislature to publicize itself?

MR. BIONDI: I don't think so.

I think that you're perfectly justified to enhance the video and audio coverage of your operations as a record of your business.

I think the problem will be that if you attempt in any way to control and, editorially or financially, to be the producer or financier of the programming, then you'll have problems.

SENATOR ALQUIST: Judging from past experience, there's going to be inevitable lengthening of speeches on the Floor by some of our Members.

MR. BIONDI: But I think experience shows that that wanes.

SENATOR ALQUIST: You think so?

MR. BIONDI: You learn to live with it. I hope so.

CHAIRMAN ROSENTHAL: All right.

Our next panelist is Tracy Westen, Professor at USC Annenberg School of Communications, who made one of the proposals to us.

MR. WESTEN: Thank you, Mr. Chairman.

As you indicated, I'm Tracy Westen, for the record, on the faculty of the Annenberg School of Communications at USC. I, along with my co-author, Beth Givens, who's in the audience and who oversaw all the research, did a considerable amount of the writing; we spent over two years studying this question. We knew

many of these issues would arise, and we looked at what other states have done, what other countries have done. We looked over the financial aspects, the audience aspects, and so forth, and have come up with this recommendation.

What I want to comment on is, first of all, I want to say that I agree entirely with Mr. Biondi's statements. I thought he made a number of very perceptive and accurate observations, and I second them.

What I want to do is talk briefly about some of our conclusions as to the need for this kind of service in California, based on our analysis of other states, our public opinion polls, focused groups around the state, and other research.

Television is the dominant news media in this country. Two-thirds of all Americans now cite television as their principal source of news; 50 percent say it's their only source of news. So, for people to find out about government -- state government, national, or local government -- television is essential.

Many governments in California, local governments, and around the world have picked up on this phenomena and are beginning to communicate the actions of their governmental bodies through television. In California, for example, according to our research, 122 cities now cover government, local government meetings on government access channels. Seventeen of the 30 largest cities in this country cover the proceedings of their city council meetings and so forth. Los Angeles next month will join that number.

In other states, there are six other states that provide gavel-to-gavel coverage of their State Legislatures. Five states provide gavel-to-gavel coverage for closed circuit in-house distribution to improve the efficiency of their operations. Thirty-eight states provide regular coverage of their State Legislature once a week, once a day, in some cases several hours when their Legislature is in session.

C-SPAN, as you know, for the last ten years has had around-the-clock coverage of Congress, or more recent around-the-clock coverage, and there are now 59 other countries which allow broadcast coverage of their proceedings, and 17 of them have gavel-to-gavel coverage. Many of those countries are smaller than California.

By contrast, in California we have relatively little. California's one of only two states, along with Texas, that provides no public financing for public broadcasting. In other



states, that money is used in part by public broadcast stations to cover the state legislature. We don't have that advantage.

As others have indicated, all the out-of-town news bureaus have closed in Sacramento; although Mr. Biondi's correct that now with technology, we can uplink programming around the state instantaneously.

There is now in California no regularly scheduled coverage of the Legislature, unlike most other states.

Now, in order to get an accurate representation of what stations do, we conducted to our knowledge the only statistical survey of television news coverage in California ever conducted, doing a focus on the State Legislature's proceedings.

What we did was, we video taped the leading newscasts in five markets around the state -- Fresno, Sacramento, San Francisco, Los Angeles, and San Diego -- during eight representative days of the closing session of the 1987 Legislature, which is now two years ago. And then we went over that video tape coverage with a stop watch to see how much coverage was given to specific issues.

What we concluded was that during the peak of the legislative session, when the Legislature was acting on hundreds of bills, the leading newscasts in the state, on television and radio about the same, devoted about 1.7 percent of their news hour to State Legislature coverage.

Now, in some ways that's not too bad; 1.7 percent coverage has to be mixed in with commercials, promotions, weather, national, international, and so forth, news.

The reality is that if you took the entire CBS newscast and put it on the front page of the newspaper, it would cover two-thirds of the paper. A television newscast is very limited in its capability, so they're always forced to make choices between different programs.

But the reality is that, given the pressures of commercial broadcasting, there's only a little room left for coverage of the State Legislature at the peak of session. And there are a number of ironies that result from that. For example, our video tapings showed, on the day the Assembly passed the AIDS school education bill, which was a very controversial and important measure, one Los Angeles station spent two minutes in total on the national cockroach contest, an annual whistling contest in Carson City, Nevada, and on Jimmy and Tammy Bakker Halloween masks. Two minutes for that, and only 15 seconds on the AIDS bill, which was simply a headline.

In San Francisco, one station covered the death of a giant Bullwinkle balloon, and a dog and owner look-alike contest, but spent nothing on passage of the community college system bill, insurance industry reform, the super collider bond measure, and our pollution devices for automobiles, and a ban on sex discrimination. Now, those items that they did cover are fun. I would enjoy watching that kind of coverage, as many people do. But those are the pressures that stations are under to try to meet the entertainment and information needs of their audiences. And inevitably, issues that the Legislature covers, and many other organizations, will get squeezed in the process.

Of 253 bills that year that 60 members of the legislative staff collectively said were the most significant -- we interviewed 60 people, staffers, and got their assessment -- of those 253 bills that were acted on during the closing session of that Legislature, only 15 were covered in any one for all five of the markets combined. Only two or three received coverage in all five of those major markets. Those markets we studied reached two-thirds of California's population.

The point, simply, is that there's very little room on television for this kind of coverage, and I think we will all benefit by enhancements, as Mr. Biondi said.

Now, we also conducted polls on focus groups to see whether people are interested in this kind of programming. I think the results were very strong, in fact, somewhat surprising. According to our statewide public opinion telephone poll, one-half of the people polled said they were dissatisfied with their current source of news on State government and news of California elected officials. Focus groups from four cities around the state supported that. Three-fourths of them said they were very interested or somewhat interested in this proposed new channel. One-half of them said they would watch weekly; an additional 15 percent said that would watch once a day.

If available on cable television, one-fourth of the people we asked who did not then have cable television said they would be more likely to subscribe if this service were available.

So, we think there is a market for this kind of programming, and it's supported by information from other states. In Kentucky, 24 percent of the population watches the State legislative programming. In Nebraska, according to somewhat older figures, 20 percent watch it. And C-SPAN, as you know, now reaches close to 22 million Americans that watch it on a regular basis.

So in conclusion, I would simply say that there is clearly, in our view, a fairly powerful need for this kind of programming. I think the Legislature would benefit from it just in internal efficiency and management terms, as other legislatures have found. Being able to watch hearings from one's office is a time saver. Offices can be linked electronically to electronic mail, and other benefits.

It's an important source of information in a democratic society. The citizenry needs this kind of information to make intelligent judgments.

I think the coverage will show there are many serious and hardworking Legislators who spend many, many hours working for pieces of legislation, and their actions and activities are simply unknown to the public. I think it's important to get that message out.

The Legislature does not have the highest credibility. It should have higher credibility. It's depressing to see that people do not view this State's Legislature in favorable terms. As a result of that, they don't vote; they have a negative attitude towards state public affairs.

I think it's essential that we begin to change that impression. By putting the Legislature on television, I'm convinced, we will begin to reverse that impression, as it has done in Congress, as it has done in many other states, as it has done in many other countries.

Thank you, and I'd be happy to answer any questions.

CHAIRMAN ROSENTHAL: Just a question.

From what you've said, do you think that this will then put more time on television news stations, or will it have to be a different channel and different arena?

MR. WESTEN: We polled television news journalists around the state; we telephoned and talked to many of them. And all of them were supportive of this concept.

And we feel that one of the major benefits is not just that people be able to see the Legislature on a California Channel, but that it would enable television news journalists around the state to enhance and improve their coverage. That's where the real audiences are.

We talked to television reporters. They made that point. Radio reporters also said they would benefit from this; it would improve their coverage. Newspaper reporters said it would improve their coverage.

So, across the board, other media would benefit, and we view this as a partnership with the other media in the state. As this backbone service grows, other media will be able to use it, and it will be available free of charge to them.

CHAIRMAN ROSENTHAL: Mr. Biondi.

MR. BIONDI: I would just like to also answer your question.

I think it's true that journalists would make more use of it to improve their coverage.

To be realistic, though, I would say I don't think you could expect there would be a lot more coverage. If there were a cable system, obviously, it would run continuously, programmed to its own choices.

There will be more material, video and audio, available to commercial and public broadcast stations, but I don't think you should expect there will automatically be more coverage because of that. They still have to make some judgments.

I might caution you on that.

CHAIRMAN ROSENTHAL: Thank you.

Senator Alquist.

SENATOR ALQUIST: I'd ask Mr. Westen, of all the people that ought to be interested in watching C-SPAN, I should be one of them and my colleagues in the Legislature. I never watch it. If I run across it, I turn it off immediately. I've never heard one of my colleagues say that he watched it.

Do you have any estimate of how many people actually watch C-SPAN?

MR. WESTEN: C-SPAN's own figures indicate that they're now watched regularly by close to 22 million people, close to one-tenth of the American population.

I think part of that is due to the fact that Sacramento has not had cable for very long, so that would have something to do with it.

Another phenomenon is the fact that people who work public affairs all day, when they come home they often want a break. They want to look at something else.

People who don't work in public affairs all day are drawn to it.

We found in our figures in other states, as I cited, two other states have run surveys to see the extent to which their population watches. Their figures indicate between 20 and 24 percent of the population watches.

The demographics are interesting: higher in education, more politically active, and more likely to vote.

So, this is not a mass audience service for everyone. I mean, "The Cosby Show" or "Miami Vice" or "L.A. Law" will always attract more viewers, and that's understandable. But as one of our focus group participants said, she said, "I think we ought to have this service. I'm not sure I will always be able to watch it, but I'll be glad someone is watching." That was an interesting comment.

A lot of people felt it was important to have it available when they were able to watch it, and also that somebody else was watching it, that it be available to be a part of society, a part of the information flow.

SENATOR ALQUIST: Another question, different angle of the thing.

The news media almost invariably portrays the Legislature as an ineffective body unable to cope with the really tough issues. We can't do that because we have a small minority of nay-sayers in the house who object to government taking any action for any reason whatsoever.

Do you think that broadcasting our sessions would change this impression in any way?

MR. WESTEN: I have no doubt that it would.

Experience in Congress, for example, has been that the average C-SPAN -- Ed Allen can talk about this -- that when C-SPAN was up and running, Congressmen would continually be walking through an airport and be stopped by people saying, "Oh, congratulations. I saw your statement on this," or "I saw your speech", or "I saw you vote on this."

The feedback is overwhelmingly positive in terms of C-SPAN audience. People like watching it. They have a better sense of the Legislature; they understand it better, and I think the respect for the institution has increased.

And I will add one interesting thing. C-SPAN has a live viewer call-in show in which people telephone from all around the country. Despite the fact that they are three hours ahead of the West Coast, the number one call-in city, from where they get more calls than any other city in the nation, is Los Angeles. Number two city is San Diego, and the number three -- number five city, San Francisco. So, out of the top five call-in cities nationally -- where you have New York, Washington, Miami, all the cities -- out of the top five, three are in California.

That suggests to me there's a very powerful interest in governmental proceedings.

SENATOR ALQUIST: Partly because of this ineffectiveness of the Legislature in dealing with the really tough problems, there's a growing dependency on the part of special interests to use the initiative process. Witness the five initiatives on the insurance problem last year, and the fiasco that's resulted from the passage of 103.

Is broadcasting the actions of the Legislature going to have any effect here, any impact whatsoever, in bringing this problem to people's attention?

And I think this is a serious one, the use of the initiative by special interest groups. And while no one suggests doing away with it totally, with the initiative process, some reform of it is absolutely necessary.

MR. WESTEN: Well, I think you may be right, Senator. The initiative process, as you know, was originally designed in California in 1911 to help get around the special interest's influence at the State level. And now what we see is, it's special interests who are using the initiative process itself. It's somewhat defeatist when you come to that point.

One thing -- I think the existence of the California Channel can help this problem in several respects. First of all, it may not diminish the number of initiatives on the ballot, but what it can do is help voters understand the demerits and the disadvantages of initiatives on the ballot.

The critical question is always: what do people know about initiatives when they vote? Now in the last election, although people predicted widespread and huge delays at the ballot boxes, and so forth, when people went into the ballot box, they knew what they were going to vote for ahead of time. They somehow managed to educate themselves by reading or other techniques as to which they preferred.



With the existence of a California Channel to cover the initiative process, to cover spokesmen for both sides, and interview Legislators and get their comments, I think the badly drafted, poorly conceived initiatives might struggle their way on to the ballot, but they would be rejected by the people as long as they had adequate information.

I think that's the critical aspect of the ballot initiative process. As long as you have the money in California, you can get something on the ballot, but it's not so easy to get it passed. When the public has adequate information about it, I think they will reject poorly thought out initiatives.

SENATOR ALQUIST: I guess the last question I'd ask is the same one I asked Mr. Biondi.

I'm perfectly happy to have the present Rules Committee control the cameras. I might not be quite as happy after the elections of 1990.

How does the minority party protect themselves against abuse?

MR. WESTEN: Well, it's a good question and an important question.

Interestingly, in every state that has provided televised coverage of its proceedings, legislative proceedings, this question has arisen. And it has never, to our knowledge, been an actual problem. It is not seriously a problem in Congress. Once in a while there's been a debate over the camera and which way it's been focused.

But every legislature adopts rules and procedures prior to admitting cameras into its chambers. And those procedures are voted on, and because the coverage is routed internally, the procedures are usually -- have always been fair and equitable, and they simply provide that who ever is speaking has a camera on them. It's very simple.

So in essence, the rules and procedures in a committee hearing, who's recognized and so forth, dictate camera coverage. So, it's no different than your own internal rules. The camera simply follows the microphones.

In Congress, there have been alleged abuses of that by using so-called Special Orders. After the proceedings -- Floor debates are closed, a Member can read a statement into the record after everyone's gone. Some feel that has been used to certain Congressmen's advantage.

California does not have that procedure; it would not be a problem in California.

So, our experience is that, although everyone worries about this issue, and rightly so, it has never turned out to be a problem in any state we've studied. It has not turned out to be a problem in Congress.

After the cameras are installed, shortly after they're installed, they become part of the furniture. You almost forget they're there. They're small, unobtrusive. The lighting is no different. People simply accept them as part of business.

The same is true for courtrooms. People were concerned about cameras in courtrooms affecting the witnesses. People forget about them instantly.

Speeches, do they get longer? There's -- Congress, the Senate, when it put cameras in, conducted, I think, a 60-day study of the impact of the experiment. And they assigned a committee to examine the impact of television coverage on the Senate deliberations on 20 different factors. They found there was no impact on almost all of them. People were -- tended to wear blue shirts and red ties, but apart from that, the impact was virtually negligible. It did not affect the proceedings; it did not distort the proceedings. The speeches in some instances got shorter and more precise.

CHAIRMAN ROSENTHAL: Senator Beverly.

SENATOR BEVERLY: You touched on the question in your remarks answering Senator Alquist by relating your closing comments as to the stature of Congress has been elevated by virtue of C-SPAN coverage.

I'm not clear as to what you based that? You commented about Senators and Congressmen coming home and being recognized.

I guess that's beneficial. I go into a dry cleaner's now, after 20 years in Sacramento, they ask me how's the weather in Washington. It's a little frustrating.

But I don't know if that raises the level or the stature of Congress. It seems to me, the polls I've seen, we're both down there with used car salesmen.

MR. WESTEN: That's true, and what I'm giving you is an informal, personal judgment, because there is no hard data on that question that I know of. Should be, but there isn't. We've looked for it.



What we do know is that very few people in California can identify their elected State representatives, must less identify them by image.

There was a study I looked at a number of years ago that said that all around the world, about 50 percent of all adults identified their leader -- prime minister, tribal chief, king -- by photograph. Only 50 percent could identify their national leader by a photograph. But 92 percent of the children in the United States could identify Fred Flintstone by photograph.

The television impact is enormous. Now, what happens when television covers the Legislature, people begin to see their own representatives, they identify their representatives from their own districts, start listening to what they have to say. They get involved in the issues they're discussing. They sometimes participate in the debate by writing or going to Sacramento. And their involvement in the legislative process, I think, improves their perception of the integrity of the institution.

There's no hard data on that, but there's a lot of evidence to suggest that that's what happens.

SENATOR BEVERLY: Thank you.

CHAIRMAN ROSENTHAL: Thank you very much.

Our next panelist is William Kobin, President and CEO of KCET, Public Broadcasting.

MR. KOBIN: Thank you very much.

For the record, my name is Bill Kobin. I am the President of KCET, which is the largest public television station in the western part of the United States.

In a few days, eight as a matter of fact, to be exact, KCET will be celebrating its Silver Jubilee. During its 25 years of operation, the station has grown from a part-time educational television station, with a minuscule audience, it has grown to a highly respected independent public television station, watched in 2,700,000 homes in the 11 counties of its service areas, which include Los Angeles, Bakersfield, Santa Barbara, Palm Springs, San Luis Obispo, and other major areas.

Although I've discussed with several of my colleagues at other California public television stations the issue that's being discussed today, I will only be presenting KCET's point of view. California Public Broadcasters operate 13 television and 22 radio stations, and they're all independent from each other.

So, our group, as you can well imagine, has a great difference of opinion on this and other matters.

KCET is very proud of its record of coverage, voluntarily and aggressively, of the State scene in Sacramento. Even without correspondents there, our access to the State's decision makers, particularly in the Legislature and among State agencies, is very good.

Our "KCET Journal" and "California Story" series, our reports on the "MacNeil-Lehrer News Hour", and our newest and most ambitious series, "The Year 2000", I think are the best evidence of our interest and access. These programs have treated and are dealing in depth with many very serious issues and concerns, and also with the nature of public decision making. So, I won't bother you with the examples of specific programs, because we try and keep you all informed on what we are producing.

In the selection of topics for production, we are always guided by what the public expresses to be its major concerns. We've always believed that the more the public knows about how it's being governed, the better the government will behave, and the better off we will all be.

So, having readily accessible coverage of State government from which to draw upon for our programs, we feel, will benefit everybody. In general, we welcome the idea of having available the kind of coverage that California Channel is proposing.

However, I would like to take this opportunity to remind the Committee that about ten years ago, before the practice of funding California public broadcasting was abandoned, KVIE, the public station in Sacramento, proposed a similar kind of State coverage, with an additional and very, I think, practical component, which was statewide interconnection with public broadcasting, both radio and television.

In those days of lower costs, that seemed to be a quite feasible proposition, and it still may be, because in our world of information explosion, the average citizen still looks at public television as one of the best in-depth synthesizers of the tremendous amount of detailed information that public activity generates every day.

If a Cal Channel is to happen, wouldn't the public be better served if it did more than simply provide gavel-to-gavel coverage? Public broadcasting might certainly benefit by having statutory access to the raw footage provided by this kind of coverage, but the public would gain much more, I feel, but involving public broadcasting in the staffing for production and editing of the information, in the operation of an interconnection system, and in the training of the specialized personnel which all these functions would require.

But also, since the editorial integrity of the coverage will be one of everyone's major concerns, public television's involvement might also help to serve in safeguarding against the possibility of partisanship or manipulation, or at least that perception.

However, if public broadcasting were to be involved in this kind of production, it should not entail additional costs to the stations. It should provide for them the opportunity to acquire a permanent presence in Sacramento, where so much that concerns and affects the public television viewers is always taking place.

I'd like to be able to close with a historical footnote, which I think isn't totally unrelated to these comments; a very short review of how the State of California has assisted public broadcasters, even in its most general periods. And you've heard, of course, that California and Texas are the only two states that did not support public broadcasting.

Between 1979 and 1983, when there was such support, that support totaled \$3,752,400. Of this total, a certain percentage went to support the administration of the California Public Broadcasting Commission, which was created to distribute the funds.

The public television stations pooled their grants to create a weekly analysis of State government issues. And what was left, which was quite little, went to support their local programming.

In the past decade, the State of California has invested a total of one penny and four mils per person per year for public broadcasting. And at least in our case, I think it's gotten a pretty good return for that investment.

In comparison, the New York State Legislature, several years ago, adopted a new rate of \$1 per person per year, because the previous rate of 75 cents was found to be insufficient for the needs of their system.

So, I thought it might be appropriate to point that out today. I thank you very much for the opportunity to be here.

CHAIRMAN ROSENTHAL: Thank you very much.

Our next final participant on this panel is Jess Marlow, KNBC.

MR. MARLOW: Thank you.

I'm Jess Marlow from KNBC, Channel 4 News, speaking for myself and not for my employer.

I would share the concern about the lack of coverage of the State Legislature. I not only think it's incredible; I think

it's shameful. And it's particularly unfortunate that the three network-owned stations, who would be most likely to be able to afford it, closed their bureaus there. I think our public was better served when those bureaus were open.

It would, however, be difficult to really justify when you are running a news department the expense involved in maintaining a bureau up there, particularly when so little of what was produced was used. That, I think, falls to possibly a lack of interest on the part of the public, and I think that needs to be encouraged. And I think one way to encourage it is by being very judicious in what you present, being very careful, but it has to be done with a camera.

There is no question, there is no justification for television except for the camera. And if we have legislative stories today, but no camera coverage of that story, most producers of television newscasts are not going to give you that story. Certainly if two stories are of equal value, and you've only time to use one of them, you're going to use the one that has a video program, the one that has a camera.

So, it is critically important, if we're going to have more coverage of the California Legislature, that we have the cameras there. And if the camera is there all the time, I can assure you there'll be increasing coverage of the Legislature, too. If we could simply tap in on the occasions when we know there's an important issue being discussed, particularly when our local Legislators are involved, if it's an issue of special local interest, then certainly that is going to get more coverage on all television stations. I don't think there's any question at all, especially if it's a service that doesn't cost the local stations. There is a tendency to like to use those stories as well.

One of the problems in programming television news, and it is a problem that our friends in print don't suffer, is that we have to -- you can't pick and choose. You can't go to the Sports Page first. You can't read only those issues that are of interest to you.

We have to maintain that audience interest from the beginning of the broadcast to the end, and we -- obviously, we'd like to maintain the largest possible audience's interest. And even as a reporter, I'm not at all ashamed of the fact that we seek to get those high ratings. We want the largest number of people watching it, because if you're in the business of communication and nobody's watching it, you're not in the business of communication. So, we have an interest in maintaining that audience, and maintaining it throughout the broadcast.

Most producers of television news broadcasts will scatter the important stories throughout the hour, or in the case of the networks, throughout the half-hour, partly for that: to keep the audience's attention.

If you go to a deadly uninteresting, insignificant, unimportant debate in the California Legislature, you're going to lose about half that audience, so it has to be handled carefully. It has to be edited. You have to choose those items that you think are of the most interest generally, and most interest specifically to your audience that is concerned about that issue.

We have a problem in Los Angeles television -- not unique to Los Angeles, but I think most profound here -- in that we try to serve far too large an area if you're going to do local news. We not only have to be concerned about Los Angeles, but the County of Los Angeles, plus San Bernardino, Riverside, Orange, and Santa Barbara.

And the one element that, it seems to me, would provide news of interest to the entire region is the State Legislature. I think we could persuade producers of broadcasts that that is the one issue that will be of general interest to that broad, general audience.

We've now tried to open bureaus -- we have one in Orange County and one in Ventura County, but back in the late '60s, when we first began that process, we thought we would go to Orange County each night for five minutes of news about Orange County. If that worked, we'd go to Ventura County. We would do a regular block that way. I opened the bureau for KNBC in Orange County in 1966, and we did five minutes out of Orange County every night, and you could hear the sets click off throughout every other region other than Orange County when we did that.

So, we had to select issues that were of broad general interest. If I wanted to talk about the growth problems at the Orange County Airport, before it became John Wayne Airport, I had to relate it to the issues with small planes at Van Nuys, or the issues of growth at the Los Angeles International Airport, in order to keep that audience's attention.

So, there is a real reason to want to cover the Legislature, to cover a story that is of broad general interest, and you have those stories.

I think our newscasts would be enhanced. I think the audience's information on issues would be greatly enhanced.

I even suggest that the Legislature might be enhanced. I think you would benefit from having voters, and having people who are interested in those issues, see the interest you have in them. See that most Legislators are diligent. I think we would also weed out some who are not. I think if some of your Members were exposed to the public for any length of time, they might suffer at the polling place, too. I think the Legislature would be greatly enhanced.

Senator Alquist's concern about the initiative process has generally been blamed on the failure of the Legislature. There is also the concern that the California Legislature is the

captive of special interests. This would afford you an opportunity to prove that that is not so, if indeed it is not.

But beyond commercial television stations' interests in having access to video from the Legislature, I think that select audiences that really want to know in detail what's going on in the Legislature ought to have an opportunity to be able to turn it on, as you do C-SPAN, and find out for sure. Those people have friends. They, too, spread the word.

I think California generally would be the beneficiaries of this kind of attention, of this kind of coverage. I would strongly encourage you to consider it.

Finally, I would suggest, as the others have, that it must be editorially neutral. I can assure you that if it is not, if I had anything to do about it, we wouldn't touch a bit of it. It becomes nothing more than an electronic newsletter if you control the editorial contents and we continue to use it.

Thank you.

SENATOR ALQUIST: Mr. Chairman, I'd like to ask Mr. Marlow a question on this.

You know, one of the issues on pieces of legislation that stirred up the most interest, judging by the mail we received, was the one banning assault weapons.

I'm sure that you mentioned the fact that that bill passed the Legislature, in spite of a lot of opposition. But how many of those speeches that we had on the Floor would you have broadcast?

MR. MARLOW: I must tell you, we certainly would have broadcast at least two of them, because of the interest in having both sides of the issue.

SENATOR ALQUIST: Did you broadcast Senator Roberti's presentation of that bill?

MR. MARLOW: I can plead ignorance, because I was out of town at that time, so I'm not sure.

But my guess is, yes, certainly, we would have, and we would have broadcast the opposition as well. And probably the most outrageous Member of the opposition would be the one who's getting the most attention.

SENATOR ALQUIST: Anyone on the panel, I haven't brought this up before, if you offer editorial comments at the end of our broadcast of the session, and put your own impression on the whole performance, you might, if you had some ulterior motives, completely change the intent or purpose of the debate that went on in the Legislature.



Is that a possibility?

MR. MARLOW: Certainly that's likely to happen. If the audience receiving us has had an opportunity to see it and make their own judgment, that's far less likely to happen than it would today when there is no coverage.

It's far easier to make fun of you people when they haven't had a chance to see you.

MR. WESTEN: I second that comment.

C-SPAN experience, and we now have ten years of C-SPAN transmitting coverage of Congress nationally, that has not happened. The reason it's not happened is, C-SPAN and Congress both know that if C-SPAN's coverage were ever biased or slanted in any direction, Congress could simply throw the switch and cut off the coverage.

It's essential for the continuation of this service that it be neutral, and fair, and balanced. If any kind of partiality creeps in, the service can easily be stopped. Everybody knows that.

SENATOR ALQUIST: There's always a question of who is biased. Who decides that this is the wrong approach to this problem, or that this self-serving, or is it really in the public interest? Who decides that?

Now, Mr. Zelman's impression of the public interest might be entirely different from the legislative speaker on the Floor, talking about the intent of his legislation. And that editorial commentator could certainly put his own twist on his interpretation of what was said.

MR. WESTEN: That's why we think the backbone of this whole service should be live, uncut coverage of what actually transpires.

If this Committee hearing, for example, were being telecast today under this proposed California Channel, the camera would simply focus on each person who was speaking at the moment. It's no more distorted than that.

The concerns about imbalanced coverage are, in a sense, the same as imbalanced treatment in a hearing. A minority member might say, "If I join this committee, how will I know I will get fair treatment by the chairman?" It's the same issue.

When these rules have been worked out over the decades, then Legislators are generally treated fairly. All the camera would do is focus on the speaker.

CHAIRMAN ROSENTHAL: Mr. Biondi.

MR. BIONDI: I think, Senator, you take that risk every day. I think you have to look at this in the larger perspective. You take that chance with print media. You take that chance with the limited way we cover politics now, as Jess said. There isn't video tape; there isn't television coverage.

All you would do is provide the raw event, and that's all you would be involved in. You have to take your chances. You do it now.

We can do far more damage to you without seeing you, in ignorance, than we could do if there's a source available.

Really what Jess is talking about is, the more available, the more widely the coverage. I don't think, with all due respect to the question, if you think seriously, you couldn't expect that not to happen. All you would be doing is providing a video record of what's going on. You have to take the chance.

Of course, we have to live with the fact that you would control the cameras, and there would be all these internal problems, but you take that risk now; don't you?

CHAIRMAN ROSENTHAL: Mr. Kobin.

MR. KOBIN: It seems to me that on this part of the discussion, two different things are getting mixed in together. One is gavel-to-gavel versus produced television programming -- either a short piece, or 20-30 minute programs -- and the other is origination versus use. And specifically what I think -- I think we're all essentially saying the same thing: what we are focusing on is gavel-to-gavel origination, not packaged programs where there is obviously some considerable flexibility for editorializing. Or, the use of this feed, so to speak, when it reaches the user. The user in this case being a program -- a station packager of information versus the individual who's watching the straight gavel-to-gavel feed.

MR. BIONDI: Actually, you'd have both; that's the point.

MR. KOBIN: That's the point. You'd have both kinds of uses, but you've got to separate them from each other.

MR. BIONDI: You'd have the camera on each time you met, all the time, and make it available to the California Channel, to KNBC, to Cal. State Northridge, or a high school. That's really your service.

CHAIRMAN ROSENTHAL: Senator Beverly.

SENATOR BEVERLY: Mr. Marlow, you suggested how you might use the coverage of our sessions.

How do you use C-SPAN coverage of Congress now?



MR. MARLOW: Exactly the same way. If there are issues of local interest, particularly, we'd cover the local newscast. We would excerpt portions from C-SPAN. We take it, at no cost to us, and we credit C-SPAN with it the way we use it to give visible coverage to the story we want to do.

SENATOR ALQUIST: I'd just offer one other comment, not directly related to televising the Legislature, but concern about the overall freedom of the press, what there is: do we really have that any more? Or, whether it's just freedom of the publisher or freedom of the broadcasting company that dictates pretty much what appears in the newspaper, or what appears on your broadcasts.

What effect, if any, would broadcasting the Legislature have on this tendency of the news media to be so critical of the Legislature?

MR. BIONDI: No guarantees.

MR. WESTEN: I would say that, as A. J. Liebly once said, that freedom of the press belongs to the man who owns one. And there's considerable truth in that.

If the Legislature agrees to televise its coverage, in a sense it is in the publishing business. It is now saying, "We will transmit coverage of ourselves intact, without editing, and let everybody see what we do." So in a sense, it enables the Legislature to put itself in front of the public instead of just having someone else put it in front of the public.

I think that's a plus that adds to the entire mix of the service.

MR. MARLOW: The real key to broadcast freedom of the press is competition, and there has been heightened competition in broadcast news in the last 25 years, since I covered you in San Jose. And certainly, it has increased in the last 10 years dramatically, and this would even further heighten the competition. I think the freedom of the press is enhanced mostly by the competitive nature of the press.

CHAIRMAN ROSENTHAL: Just a final comment.

Since the news industry and the public would benefit from this system of televising the Legislature, the next question is: should the public pay for it? Who should pay for it? Any comment?

MR. BIONDI: I think it makes sense for the State to pay for what you internally put together: cameras, crews, facilities.

When it goes out the door, that's another matter.

You can ask the C-SPAN person what the arrangement is in terms of feed, use of the feed, that kind of question.

I think, yes, you're probably going to have to pay for equipping the building.

Its uses, the California Channel Foundation would finance itself. The news service in Sacramento now finances itself. I think that's the model I see.

MR. WESTEN: We recommend a kind of partnership in this. All of the interested parties in a sense would contribute toward it.

We think that the Legislature, even if it did not distribute television coverage around the state, it would be cost efficient and beneficial to install the cameras and distribute the program internally, as the Canadian Parliament does, the Australian Parliament does, as a number of other states do.

In terms of efficiency, management efficiency, it's clearly worth it and it's cost justified. Just as you've converted to computers, it's cost justified just as converting to an advanced telephone dialing system is justified, and so forth.

Our proposal is that the Legislature install and operate the cameras because you'd benefit from that. A nonprofit, tax exempt foundation would raise the money to distribute that programming around the state. Cable operators would ultimately chip in a small percentage to support the service, and ultimately cable viewers would participate in that and share some of that cost. In a sense, viewers, cable operators, foundations, corporate underwriters and the Legislature would all play a role in this. We think it's a shared partnership.

MR. KOBIN: It seems to me that this kind of coverage really should be regarded as a part of the educational system. To me, it's a form of education in the purest possible sense: watching the State government in action is a civics lesson, and as such, just as we pay for the educational system, a portion of the educational system, I certainly think we should pay for our portion of this also.

CHAIRMAN ROSENTHAL: Any further comments? I want to thank you very much for your input. We appreciate it.

We'll go to Panel III now, but we'll take a five-minute break first.

(Thereupon a brief recess was taken.)

CHAIRMAN ROSENTHAL: We have our third panel. The title of this panel is, "What other government entities have done to increase television coverage and public awareness of the lawmaking process?"

Our first speaker in the order will be John Thomas, Executive Producer of Florida Public Television.

MR. THOMAS: Thank you, Mr. Chairman.

I'd like to express my pleasure, coming all the way from Florida, to tell you about our experience there and what we have gone through.

Our flagship program's called "Today in the Legislature", and for the sake of convenience, I'll call it "TITL", our acronym for it.

It first aired in 1972. The program responsibility lies with what's called the Florida Public Broadcasting Service, Incorporated. This is an organization of participating public television stations throughout the state. The producing agent is Florida Public Television. Florida Public Television's productions facilities are located in studios on the ninth floor of the Capitol building. These studios house over \$2 million worth of state of the art television production equipment. Florida Public Television maintains a full-time staff, 20 persons year around. During the legislative session, that number at least doubles with the addition of part-time people for the production of the program.

The Legislature, which meets for 60 days in April and May, contracts with Florida Public Broadcasting for the production of this program on a six-month basis, from January 1 through June 30th. The funding is provided, if necessary, on an individual basis, or in a special order for extended session coverage.

Our budget for this program for this year is \$466,000. It's been our experience over the last seven to ten years that we have come under budget anywhere from \$50-90,000.

The State Department of Education, on the other hand, contracts with Florida Public Broadcasting on an annual basis for the production of governmental affairs documentaries and cover special projects. That budget is slightly in excess of half a million dollars. Much of the programming we do under that contract relates directly to issues and involves Legislators and the legislative process.

Our program is fed by satellite to Florida public television stations each weekday evening during the legislative session from 8:00-9:00 P.M. The individual stations, of which there are 11 across the state, air the programs according to their schedules. Most of those programs are aired at 10:00 P.M.

I might add that Florida public radio feeds a half-hour nightly legislative program during the session, touching on many of the issues after our program.

SENATOR ALQUIST: Excuse me.

Would you pull that microphone a bit closer to you. I have a little hearing difficulty.

MR. THOMAS: Yes, sir.

Our nightly program format is structured to resemble, if you will, an extended version of a well-paced, balanced newscast, utilizing professional and contemporary production techniques that television bureaus have come to expect. We average 12-14, three to four minute news packages per program, touching on the issues that we have to consider from a journalistic standpoint to be the most important, most interesting, to the people that day. Our reporters are experienced broadcast journalists who are held to the highest standards of fairness and balance, as in any other professional news organization.

We've touched on this earlier, but I think it's very important. A brief phrase in our annual contract with the Legislature, in my view, represents the cornerstone of our program's success and acceptance, and that is, "The content of the program shall be the exclusive and sole prerogative of the management of the corporation," the management being Florida Public Television, our production unit. We're speaking there of editorial content. We do appreciate the enormous scope of that responsibility.

Our program is transmitted, as I've said, by satellite, using one of only nine uplinks which compromise the Public Broadcasting System. It's important to say that most of this uplink time is provided free of charge by PBS, the Public Broadcasting System.

Eight additional half-hour channel programs are transmitted on Saturday mornings in Spanish, featuring members of the Hispanic caucus. Also, other panel programs are produced featuring members of area delegations, such as Dade County's delegation, the West Palm delegation. These are produced and sent to those individual stations and aired on a weekly basis in those markets, addressing local issues. That's available to other delegations if they want to make themselves available.

All 160 members are invited to appear on the nightly program to make brief comments about their legislative programs, goals and constituents. We call that segment "A Closer Look." We also provide on-air calendars of selected upcoming committee meetings and agendas for the following day's activities.

A pre-session call-in program we produce each year, usually on the eve of the legislative opening, we usually feature the House Speaker and the Senate President. They answer questions, live, from viewers all across the state about issues that they consider to be prominent or of priority in the upcoming session.

Aside from program production, the Capitol complex is provided live coverage of Senate and House sessions, gavel-to-

gavel, and selective committee meetings throughout the 60-day session. Offices which are equipped with monitors throughout the Capitol complex, and most are, can receive these signals and keep abreast of the daily activity of the Legislators.

In addition, these signals are provided to two huge screens in the rotunda so lobbyists and other interested parties can view the activities going on in each chamber.

If I could, I'd like to share with you just some brief results of a survey of viewers and Legislators about our program.

The primary reason given for viewing our program remains, as in years past, to gain news and information about the Legislature. Seven out of ten viewers continue to rate the program as fairly interesting to view. This figure has been at this level for quite a number of years.

The profile of the "Today in the Legislature" viewer reveals again that the program appeals to both males and females in equal numbers. In contrast to other public television programs, this sample is much younger than the usual public television audience.

The "Today in the Legislature" viewer is better educated than the general population, usually white, and very interested in political affairs. The heavy "TITL" viewer is likely to have a professional graduate degree, is a middle-aged male, and likely to have helped a candidate in a recent election.

Nine out of ten Legislators responding were in favor of continuing this program. That level of support has been constant for many years.

Tallahassee and Gainesville are the two markets with the highest program awareness scores. Given the larger upscale populations of Tallahassee and Gainesville, it is not surprising that these two markets have such high awareness levels. I might say these are the sites of the State's two flagship universities also.

The main reason for viewing "Today in the Legislature" is that the viewer seeks news about the Legislature, 70 percent of those responding. Another 33 percent of the sample said that they view the program to learn about the Legislature itself.

The program viewer, without a doubt, is a member of one of the most elite audiences in television: most have been to college; about one-third has been to postgraduate school. While the typical public television audience is often comprised of a large portion of older women, our program audience is skewed more male, 54 percent. The age of the "TITL" viewer tends to be middle-aged rather than elderly. In terms of income, the "TITL" viewer is quite well off, almost 40 percent reported incomes beyond the \$30,000 range.

From the surveys it's quite clear that the "TITL" viewer is interested in and participates in the political process. The most consistent finding through the years continues to be that the "TITL" viewer participates very actively in the political process.

When asked about the presence of the cameras -- and this has come up before -- 6 percent of the Legislators reported being distracted by them throughout the session. In addition, another 4 percent reported being distracted by the cameras early in the session, but said they got used to them as the session progressed. It should be noted that 90 percent of the Legislators report not being bothered by the cameras.

So again, it's safe to conclude that the "TITL" telecommunication gear has continued to be unobtrusive at least in the chambers. And I will say that this is not blanketly true in the committee rooms, because those rooms are much smaller, the lighting is much more intense, and there has been some comment, but I think that is subsiding because of the improvements in the lighting and the diffusing of the lighting that technology has provided us with.

While there is some perception of grandstanding for the cameras by the Legislators, especially Legislators suspected of running for higher office, the general conclusion by most Legislators seems to be that grandstanding afflicts only a minority of their peers.

We talk about audience and who we reach. Public television in Florida, all of the stations, like to use a figure that's been pretty well researched, that public television reaches 97 out of every 100 Floridians. I will not begin to sit here and tell you that 97 out of every 100 Floridians watch our show, but they have the potential for it because we are blanketed in every major metropolitan area with public television stations.

The question came up, who does watch? How do we gauge how many people are watching?

We do have numbers. But just having numbers for public television shows, particularly public affairs programs, and the market is very important to us. I cannot give you raw numbers about how many viewers watch our show across the state, but having numbers is very encouraging to us.

I would like to also mention and touch on something that came up earlier, and it's in the proposal. I think you have it. The material that would be produced in covering the Legislature would be made available to commercial stations, educational institutions. This is a very peculiar thing we have in this state.



I am not allowed to release any taped material to anyone without the written consent of the Senate President and the House Speaker. The reason for this, I am told, is political. They're afraid that taped material that is paid for by the public, paid for the production by the public, could be used by a political candidate in a political commercial to advance his political position.

The other reason they don't like to see the material released into the hands of the commercial people, and I was a commercial news person for some 20-25 years, is they are suspicious, very concerned about the editorial judgments that might be used in editing that raw material that they get from us. So, for those reasons, they maintain very tight control over who gets that material.

It can be released. It's a formality. We release a lot of it, but the Senate President and the House Speaker know and approve or disapprove releasing that.

We can touch on, and I suppose you'd like to hear, what happened in the early days? Why did the Legislature decide to do this?

I think it was the initiative of our public broadcasting people who traditionally have felt the responsibility of providing programming alternatives to the general public, especially in the area of the arts, education and information. Obviously, they were able to convince the Legislature, and in 1973, they allowed the cameras in. We have been going on, I think, very successfully ever since.

CHAIRMAN ROSENTHAL: Senator Beverly.

SENATOR BEVERLY: I'm not clear from your remarks how you handle the gavel-to-gavel coverage? Who gets that?

MR. THOMAS: By terms of the contract, we have to provide gavel-to-gavel coverage of the House and Senate whenever they are in session, but it goes through a closed circuit complex throughout the area there. Any Senator, or any representative staff members that have a monitor that can receive that, and they can because they have two modulators -- the Senate's on Modulator 2, which is a technical matter of control. The House has its own modulator 4. So, if something is happening in the House or the Senate, they go on these modulators, they feed to a common trunk line, and are dispersed throughout the Capitol complex so that everyone who has a monitor can watch that activity.

SENATOR BEVERLY: Are the modulators available to lobbyists in their offices as well? I assume not.

MR. THOMAS: Anyone -- if it's so equipped, and they're into that line, they can have it.

SENATOR BEVERLY: How do they get access to it?

MR. THOMAS: They just tap into it. This is a problem also, because those lines, over the years, people have gone and snipped the lines, tapped in. We don't know who has them. We have no idea who has them.

We get calls from the Department of Transportation, from the Department of Rehabilitation Services, wanting access to that.

The Senate President and the House Speaker, the leadership, tries to maintain control of that, but it's like our program signal that goes up on West Star 4 on the satellite, it goes all over the world. I've seen it in the master control rooms of commercial television stations all over the state. And if they wanted to, they could pull it down.

But the statutes, Florida statutes, it's not available to them. It also says that candidates cannot use that material for political purposes, but as we know, unless the people are caught, unless the opponent makes an issue of it, sometimes it probably goes unnoticed.

It's something they do to protect themselves. At least it's in the statute; it's a law; it's a rule, a policy, but controlling it is another thing.

SENATOR BEVERLY: Is that limitation a unique situation in legislative coverage in states generally where it is available?

MR. THOMAS: I don't have data on that, but it would be my judgment that it probably is pretty unique.

SENATOR BEVERLY: Is unique.

MR. THOMAS: Yes, sir, and it has been the subject of a lot of controversy from commercial broadcasters, because they have the feeling that they should have access to any of that, because they think it is public record. However, it has been exempted from the public record laws, the tapes and materials, by the Legislature, by law, exempting that material from public records laws.

SENATOR BEVERLY: When is your session?



MR. THOMAS: Our session is in April-May, a 60-day session.

SENATOR BEVERLY: Maybe we'd better go back to that.

CHAIRMAN ROSENTHAL: Senator Alquist.

SENATOR ALQUIST: How long did you say you've been covering the Florida Legislature?

MR. THOMAS: Coverage started in 1972.

SENATOR ALQUIST: That long?

MR. THOMAS: Yes, sir.

SENATOR ALQUIST: Did you see any increase in voter turnout as a result of covering the Legislature?

MR. THOMAS: I don't have data to indicate that.

I might say that when we started out, it was very archaic coverage. We were in the old Capitol, so to speak, and it was more like the electronic news gathering. One could see news cameras covering the events, running around with portable material, running it back and taping it, and sending it by phones to whatever stations you covered.

When they built the new Capitol, they accommodated us. It was the entire space on the ninth floor, ran all the lines, and paid for all that, to accommodate our coverage.

The result is that it's very hard in terms of voter reaction, improved voter turnout. I like to profile our model viewer as a member of the League of Women Voters. It's that kind of person, I think, that watches it. People who are really interested in politics respond to us. Those are the people we get the mail from, pro and con.

I really feel that these are the people who, not only in their own organizations are voters, and are very active in the political process, but they are also people who spread the word. I can't help but think if they're interested in what we're doing, they're going to spread the word on specific issues.

SENATOR ALQUIST: Well, the question is, does it have any impact at all? Is there any evidence of increased interest? More mail to the Members of the Legislature as a result of your broadcasts?

MR. THOMAS: I really can't judge that.

SENATOR ALQUIST: Can't say.

MR. THOMAS: No, sir, I really can't.

I can only say that I think we have a very specific audience out there. We can't hope to try to compete with "Dallas" and "Knot's Landing." Those aren't the people that are going to watch us. So, we can't expect a mass audience.

We hopefully, as someone else mentioned, are providing an educational and informational service to people. It's an alternative. It is available to them. It is available in every market in the state, and it's available in prime time. To me, that's very important. It's for those people who want to seek it out and view it.

SENATOR ALQUIST: I guess what it all boils down to in the final analysis is the cost benefit ratio. Is the cost of providing this service worth it? Are enough people interested to warrant the expenditure?

MR. THOMAS: I would say that by looking at the track record, the fact that the program has been funded successfully since 1972, that the Legislature must feel that it's worth it. There is some benefit there, probably as a service to the people of the state.

CHAIRMAN ROSENTHAL: All right, Susan Herman, Los Angeles Department of Telecommunications.

MS. HERMAN: For the record, I'm Susan Herman, General Manager of the Los Angeles City Department of Telecommunications, and I thank you very much for inviting me here this morning.

You've asked me to talk a little bit about what Los Angeles City is doing, so I will do that. But you also asked for any advise, so with that free opportunity, I'm going to take the liberty of starting with my free advice.

As a citizen of Los Angeles, as your constituent, Senator Rosenthal, and as General Manager of Telecommunications for the City of Los Angeles, and as one who oversees the Council video coverage in the City of Los Angeles, my words are simple and in two words: Do it.

We have started an in-house test in the City of Los Angeles, as has been noted in earlier testimony. We are going live to the public October 11th of this year. We started with our in-house test on September 6th.

It is a live, gavel-to-gavel coverage of our City Council, with the cameras focusing only on the recognized speaker.

We reach a potential audience of over half a million, and those half-million will have the opportunity to see about 140 Council meetings in a given year.

The Los Angeles City Council said, in charging us with this responsibility, that they felt Council video coverage was important, and I'm quoting, "to enhance the awareness and education of the general public regarding the actions and deliberations of the City Council."

In 1988, my Department was charged with the responsibility to begin the management and operation of this. In May of '88, the funding was authorized for the purchase of equipment, and about a year later we began the funding for the contract staff and the video graphics system, which we called "CITYTEXT", which will appear when Council video is not on the air.

In total, the Council video project has cost approximately \$670,000 in equipment costs; about \$120,000 in staffing costs and operating costs; and less than \$50,000 in construction and renovation costs.

I am pleased to add and underscore that none of these dollars came from the taxpayers. This was, in fact, supported by the cable operators in our city. The cable operators had this obligation in their franchises with the City, and have cooperated greatly with us in this effort.

However, if this was something that was borne by the cable subscribers that would have this available to them, we calculate that it would be no more than 52 cents per year to receive 140 meetings of the Council at a minimum, which is about equal to the price of two postage stamps.

I'd like to underscore the cooperation of the cable companies that played in the quality and success of Council video. A key element of Council video coverage in the City of Los Angeles is an interconnection of our 13 cable systems that serve the Los Angeles area. All 13 of the cable operators constructed this microwave and fiber optic interconnect in the City of Los Angeles. It is really the largest of its kind in the United States, and it is also one that was constructed on time, and done, again, at the expense of the cable operators. No expense to the taxpayers.

While the Department of Telecommunications and its four-person staff have the responsibility to generate the signal for the Council video, it is the cable companies that actually distribute that signal to all the cable TV households. In addition, the signal that we do generate is a signal that can be picked up by all the broadcasters who wish to pick up on the signal.

We believe that this cooperative venture has worked. Thus far, we have received nothing but positive comments, even from some of the original skeptics. I believe it's because of the quality of our Council video system gives it credibility. I think that relationship between quality and credibility is an important one.

As I mentioned before, the system is a six-camera remote control system. The cameras are Sony M-7 chip cameras and are mounted on Vinten pan and tilt heads. In layperson terms, what that means is that we have our cameras discreetly mounted in our Council Chambers, respectful of the landmark status of our Chambers, as well as of the integrity of the proceedings that are going on.

The cameras move silently and almost, apparently, without anybody operating them. In fact, ensconced above the Chamber room on the 4th floor is an engineer, a technician, a producer/director, and one computer graphics artist. Therefore, one of the real pluses of our system is that it is, in essence, out of sight and out of mind. In other words, it is not something that is obtrusive in the proceedings.

I'd also like to underscore that the system we have in the City of Los Angeles is a system that previously existed in the Australian Parliament, the Swiss Parliament, the House of Lords, and now the Los Angeles City Council. We are the first in the United States to have it. Again, it was because of our belief in the quality lending to the credibility of our coverage, and our viewability and attractiveness to the potential audience.

The equipment we have purchased we expect to have exist for a period of 15 years, with proper maintenance and repair.

When Council video is not in session, we air "CITYTEXT". "CITYTEXT" is a dynamic graphic computer system which has the ability to take video clips, or photographs of other material, and make it almost like a billboard, with the graphic information: information on lost dogs; how to deal with lights out in the community; how to become a block watcher, and so forth. It provides information about City services, events and opportunities.

We are presently exploring the need and the cost involved in providing committee coverage, which is a second part or the second phase of our Council video coverage. And it's been already noted, this would require additional wiring and additional cameras, but there's already a motion on the floor of the Council to increase our exposure to the public to let them understand the inner workings of the government by presenting committee coverage.

I'd like to note that two and a half years before we did Council video coverage, we did a thing called COUNCILPHONE. COUNCILPHONE is a service that permits anyone to dial 621-CITY, C-I-T-Y, and hear gavel-to-gavel live coverage of the Los Angeles City Council. Theoretically speaking, you could be on vacation in Europe, and use the international dialing code and you could actually hear the Los Angeles City Council in session.

The point was that this was a way to even expand the audience to allow people to listen to our City Council, should they not have a video opportunity.

We're very pleased to have a lot of very positive reaction to Council video so far. Recent editorials on KNX radio, as well as KJH-TV have heralded our efforts of coming into the 21st Century with the use of this technology to better communicate with our citizens.

Citizens have expressed great anticipation and interest, probably mixed with some curiosity about how our City Council actually works.

I think that basically what we have seen is that it's something that benefits all of the people involved. I would like to also note that we feel that it is something that allows us to kind of balance the inequities when there isn't good media coverage of City Council events.

We also feel that it's a way to allow citizens to be able to have access to government when they are home-bound, transportation locked, or can't afford to get downtown, or whatever. For example, the League of Women Voters has now, with the advent of Council video coverage in Los Angeles, they're going to be assigning their members to sit home and watch, and be able to participate that way as opposed to having to travel downtown.

There are a number of cities in the Los Angeles area who provide coverage of their city councils. The list is long and would probably take up the rest of my speaking time listing them all for you. Suffice it to say that I think there are a number of us in this area who come to you today, telling you that we think this is worthwhile and very positive.

As a final personal aside, I'd just like to say that my Los Angeles City Council looks darn good on video. By the way, they don't need to wear blue shirts and red ties because of the quality of the system that we have purchased. Frankly, I believe that they look strong and dignified in the sunshine of our Council video coverage.

I invite you to view it and to appreciate what we have done, and hope you'll join me in my enthusiasm for Council video coverage and legislative coverage.

CHAIRMAN ROSENTHAL: Thank you very much.

Any comments? Senator Beverly.

SENATOR BEVERLY: How long have you been doing it?

MS. HERMAN: We started in-house September 6th, going live October 11th.

SENATOR BEVERLY: You don't have any kind of surveys as to who's watching?

MS. HERMAN: Just letters at this point; letters to make it happen, basically, then from staff and City Council people who see themselves on the in-house system test.

SENATOR BEVERLY: It's on cable only?

MS. HERMAN: It'll appear on cable on our Channel 35, but it is also -- the COUNCILPHONE service is available for those who are not cable subscribers.

SENATOR BEVERLY: I gather without knowing that your cable franchise, you have different cable operators in different areas of the city?

MS. HERMAN: Right, there's 13 cable operators in the City of Los Angeles.

SENATOR BEVERLY: Exclusive to a geographical area?

MS. HERMAN: Yes, there are different franchise areas.

SENATOR BEVERLY: Do you have closed circuit coverage where there are monitors in the Councilmen's offices or other City offices?

MS. HERMAN: That's the in-house that's going on right now. And yes, there are probably over a hundred sets that are hooked up to the in-house system right now. And then later,



there'll be about a half-million cable households that will have exposure to our coverage when we go on to the cable systems.

SENATOR BEVERLY: Thank you.

CHAIRMAN ROSENTHAL: Thank you very much.

Our next panelist is Ed Allen, C-SPAN founder and Boardmember.

MR. ALLEN: Mr. Chairman, Members of the Committee, my name is Ed Allen. I live in Walnut Creek, California.

I want to say up front, I'm tremendously embarrassed by the designation of C-SPAN founder. I was one of several founders, and I wouldn't lay claim to being the founder of C-SPAN ten years ago.

I have a considerable amount of empathy, as it turns out, with the panel on just ahead of us. As a former broadcaster myself, commercial broadcaster, I am empathizing with Mr. Bondi, Mr. Marlow.

I am a Director of KQED educational television in San Francisco. I can certainly empathize with Mr. Kobin. And Tracy Westen was kind enough to ask me to be one of the founding directors of the California Channel, and because it depends so much on cable delivery, I should tell you I am also a cable television operator for the last 30-plus years.

But I'm here primarily today in my function as a Director of C-SPAN. I was one of the founding Directors. I have on the Board of Directors of C-SPAN for its full ten-year life. I have been on the Executive Committee on C-SPAN for those same ten years, and it was my very great privilege to be the National Chairman of C-SPAN for the two-year period of 1982 to 1984. So, I had an opportunity to see how C-SPAN works from the inside: the business conditions that are associated with something like C-SPAN.

I think I probably can be of the most help to you by answering your questions about C-SPAN, but let me preface that with a little history of C-SPAN and its ten-year success story.

C-SPAN started on the air ten years ago, but the genesis was actually before that, when Speaker Tip O'Neill -- who I consider one of the consummate politicians that we've had in Washington -- decided that it was time for the House of Representatives to come into the modern communications era and have a more sophisticated internal communications system than the audio squawk boxes, which they had and which you use in Sacramento.

It was when we knew that the House was going to be wired with television cameras, and each Legislator's office was going to be wired, that the cable television industry conceived of the concept of taking that feed, which comes directly from the Floor of the House of Representatives, putting it up on a satellite, and delivering it coast-to-coast to the cable television audience.

The original objections, and we heard them so many times, about lengthening the sessions, lengthening the speeches, the hamming it up before the cameras -- none of these concerns materialized. It's been a success from day one, and it's something that Broadcasting Magazine described as the crown jewel of the cable television industry, because it is funded by the cable television industry.

I think that model which is being suggested to you is one you should focus on because I think it answers some of the concerns I've heard expressed today. I think if you look at this as a two-step process, as Mr. Westen suggested, one is the creation of a modern internal communication system that's better than your squawk boxes, without regard to whether that signal ever gets outside the Capitol. It's just more efficient for you and your staffs to know what's happening on the Floor, to know what is happening in the committee rooms, to know what is happening in the press conference rooms. It's just a very efficient way for you to do your business better, and your business is a \$50 billion a year business. You can use all the help you can get.

As a separate issue then, once you have determined that you want to enter the modern era of television communication, the second issue then is are you going to make it available to your constituents out in the State of California. Once you pass outside the Capitol door, there are no tax dollars being spent. I think that's an important consideration for you. It will take tax dollars to put your own internal system in, but you're entitled to do that just as you're entitled to a good secretary. But once it comes outside the door, that becomes the funding problem of the California Channel.

When C-SPAN started, it had four employees. It had a nest egg of \$400,000, which was raised through donations from the cable television industry, and its total programming was the House of Representatives. In other words, when the House was on the air, we were on the air. If the House was in recess, the screen was black; we had no other programming that night.

C-SPAN has evolved now over the years to where the live Floor coverage is less than 10 percent of our total coverage. We are now operating two 24-hour channels, the second being C-SPAN



2, which is our coverage of the United States Senate, which started sometime after the House of Representatives.

In addition to doing the gavel-to-gavel coverage of the House of Representatives and the United States Senate -- and that is a commitment we have made to both bodies, which is why the special orders, for example, are shown, because it's part of the gavel-to-gavel coverage -- in addition to that coverage, we do committee hearings every day. We do speeches from the National Press Club every week. We are deeply involved with the Close-up Foundation programs which bring high school students to Washington so they can see their government in action and meet with their Legislators. We have a full plate of programming, around the clock.

While C-SPAN 1 -- if I can call it that -- House feed started in 1979, we had some difficulty getting it into the United States Senate. They consider themselves the most prestigious club in the world. They have certain traditions they were concerned might get trampled on. It might mean changes in the manner in which they do business.

It took about six years of televising the House before the Senate all of a sudden discovered it was the invisible body in Washington. The White House had tremendous access through the commercial networks, press conferences whenever they wanted. The House of Representatives had their proceedings covered gavel-to-gavel all the time.

I think what really brought it home was when they discovered that Congressman Gonzalez of Texas had a higher national profile than Senator Bob Dole did in his home state of Kansas. This was when they decided, perhaps for self-preservation, that they wanted at least equal exposure with the Representatives of the House.

Again, as I testified before Senator Matthias' committee, the same old concerns surfaced. In fact, I was surprised at some of the audience concerns. I wouldn't believe that Walter Cronkite and George Will, who testified against televising the United States Senate as substantial newspeople, and they both did. They were trying to preserve traditions that they thought were good. I remember cautioning Senator Matthias to not confuse tradition with habit. And ultimately, they did make some changes, necessary changes, to enable the Senators to speak roaming around with long microphone cords, and it worked out well, and it's worked since then.

The program decisions, other than the House proceedings, are made totally by the C-SPAN staff, the professional staff. That's no different than a commercial radio or television

station, or a newspaper, would do. In fact, we have a provision in the articles or the bylaws of the corporation that precludes any Director of C-SPAN from being involved in any content decision. So, we are once again divorcing even the directorships of C-SPAN from any content control. This, we feel, should be in the hands of the editorial professionals.

I think the key to the success of C-SPAN has been the concept of unedited gavel-to-gavel coverage. That camera can only show what it sees. It's the unblinking eye of the camera, coupled with audio, so it's never edited; it's never condensed. There is never any editorial opinion from any member of the C-SPAN staff. They act only as facilitators to draw out other people so they can present their opinions.

I think that is a key that goes a long way towards alleviating some of the concerns that have been expressed here today about editorial tinkering, perhaps, by elected officials, and this is the way we get around that.

There is a wide spread interest in the State of California in the concept of viewing governmental programming. There are 45 million homes, roughly -- 45½ million -- homes in the United States that get C-SPAN. About 5 million cable homes are in the State of California, and 4.8 million of those homes, or almost all of them, receive C-SPAN. That's about 10 percent of the national universe of C-SPAN, but the interesting thing is, as we do our telephone call-in shows, as we do three hours a day, five days a week, telephone call-in shows, that 10 percent of the universe generates 20 percent of the telephone calls. In other words, there is twice as much interest, it appears, in California in viewing governmental programming as we might find as the national average.

It's been a success. I think it should be construed -- the comment was made earlier -- I think it should be construed as an educational tool. It certainly has been that on the C-SPAN experience. I have characterized it as the greatest ongoing civics lesson the country's ever seen, the world has ever seen. We can see that in the reaction of the people as they contact C-SPAN. They refer to themselves as "C-SPAN junkies". That's not our term; it's their own term. They love that term.

The interest is out there if you'll only make it available. So, I would hope, along with virtually every other panelist, I would second what Susan just said: Do it! Allow first yourselves to have a better internal communication system than you've got. Use your tax monies to help yourself to communicate with each other. But then, having put that into place, let it be passed off so it can be spread throughout the State of California.

I'd be pleased to answer questions.

CHAIRMAN ROSENTHAL: Thank you very much.

Do you have any questions or comments?

We appreciate the input of the panel. We'll now move to our fourth and final panel, entitled, "**C-SPAN in California? The Cal Channel Proposal for televising the Legislature.**"

We have three panelists. I see there are four people there and only three names.

MR. KOPLIN: Mr. Chairman, I'm Paul Koplin, Executive Director of California Channel. Next to me is Ms. Beth Givens, who helped promote the Annenberg School of Communications book on the California Channel.

With me today are my fellow Boardmembers: Dennis Mangers from the California Cable Television Association, and Walter Gerken.

I think the majority of what I was about to say today has already been said, and I'm going to make my comments very brief.

CHAIRMAN ROSENTHAL: That's very good, thank you.

MR. KOPLIN: Basically, the California Channel is a nonprofit corporation of business and civic, academic and media cable leaders. We exist for one purpose, and that is -- to repeat the words of Ed Allen, another Board member -- is to educate Californians on the legislative process. It's to provide them access to the information on State issues so they can make their own decisions.

I think today we've heard that the electorate is not well informed on State issues, and as a result, we all get shortchanged. The people of California get shortchanged, I believe the media gets shortchanged, and I believe the Legislators get shortchanged.

So, taking this into account, how can we form a proposal that will make sense to everyone? And I think that we've heard today the C-SPAN proposal, which has a history and it seems to make sense.

What we are proposing is that the Senate install and operate remote control cameras on the Floor of the Senate, the major committee room, and the Governor's press conference room. That video signals from those remote control cameras be passed

through to Legislators' offices, press offices, lobbyists' offices, to State agencies, so they can have access to the information that's going on in the Chambers. As stated earlier, this is essentially -- should be viewed as a tool, like a computer or a phone or a FAX, to improve your own internal legislative efficiency. You could devote separate channels for schedules of legislative hearings; you could replay hearings that went on earlier in the week. You could also replay local newscasts that occurred in the districts while you were working late at night, replay the local and national news.

The California Channel, an independent, nonprofit corporation, would go to the expense, form the relationships, buy the satellite time, and distribute that feed, unedited, around the state to cable operators, to commercial and public television stations, to educational institutions, as well as to educational access administrators.

I've been asked to address two questions today specifically, and that is one of cost and one of control. It would cost the Senate for a minimum operation \$1.15 million in equipment costs, and \$450,000 in annual operating expenses.

It would cost the California Channel to distribute that feed, that unedited feed around the state, roughly \$970,000 in equipment costs, and \$1.3 million in operating costs. It would cost us \$2.3 million to just distribute that around the state.

We think costs are justified on two grounds. The first ground is on internal legislative efficiency, as I stated earlier. This is to improve your own operations to merge the technology, the way you do business, into the 20th Century.

There's also a public policy issue that costs could be justified upon. That is that it makes sound public policy to provide Californians access to the process of State government.

In a legislative hearing in the Assembly, someone mentioned -- they brought up the issue, "I want to give the money to mental health." And that Assembly person was right. By giving money to install cameras, you are giving money to mental health, and you're giving money to the environment, and you're giving money to transportation, and you're giving money to basically the people of California so they can make the decisions that are necessary so they can advocate their causes. I would like to have information on the environment, on the decisions you make, on the air we breathe and the water we drink. So, I believe, as the C-SPAN model and as we've seen in other states, that the costs are justified under internal legislative efficiency and on public policy.

The next issue is one of control. We've all heard today comments on if you manipulate the video signals for your own purposes, no one's going to believe you. I also believe that it runs counter to the principles of democracy.

Our goal, our mission, is to educate Californians and provide them with credible access to information. If you manipulate that video signal, I don't think that's going to happen. We're not going to be benefitting anyone.

Taking that into account, the last question I've been asked to address to you today is to talk specifically about the questions that the Senate needs to answer to move forward. Questions like, how many committee rooms, in which committee rooms, should we wire? Questions on rules of procedure and legislative protocol.

I've written a memo on that rather than to go specifically into those questions, and I'll distribute -- if the Sergeant could kindly distribute that to the Members -- and I'll now hand it over to Dennis Mangers.

CHAIRMAN ROSENTHAL: Our next panelist is Dennis Mangers, California Cable Television Association.

MR. MANGERS: For the record, Senators, Dennis Mangers, representing the California Cable Television Association.

As you know, I have served in or around the Legislature for over 12 years, and I've had the opportunity to observe both Houses in session over that period of time. And I have to make the observation that because I qualify in the category Ed Allen described as a "junkie", I have to be careful about my own objectivity in this issue of legislative coverage, because I truly am a legislative junkie. I love the place, and I love watching it and listening to it. When I'm not at the gallery or over at the gate, I usually have a squawk box on.

I can tell you something that you don't need to be told, and that is that some of the most stirring moments of my life have been spent watching times when the Legislature was in session. I think we all remember times when a hush came over that place, and mikes went up all over the Senate or Assembly Floor, and some of our finest orators stood to debate issues of adoption policy, or capital punishment, or abortion; some of the things that most concern the daily lives of the people that you represent and that I once represented.

And I look at it not just as a former Legislator or as a kind of political junkie, but I find myself sitting there and watching and listening as the performer that I am as well, a

person who has long ago learned what audiences want and like, and have tried to give it to them.

I'll tell you, I've heard a lot of talk today and in previous hearings about this isn't the kind of stuff that people in California are going to be interested in. That's baloney. I've been in theater and the arts for a number of years, and there's a great deal of what goes on in the Legislature there that is of extremely high interest and would hold the attention of any Californian for a considerable period of time. I think you all know that.

I also look at it from the perspective of a former school teacher and school principal, which I was for many years before I came to the Legislature, and there have been many moments over the last 12 years that I have deeply regretted the fact that less than one-tenth of one percent of the people were ever going to experience this moment: when I heard a Legislator, suffering from terminal illness and racked with pain, himself standing on behalf of many Californians in that same position to debate health policy; others serving in a microcosm of what this society is like, exhibiting for us real life, just life. Not a mystical, magical process, just a glimpse of life. The only difference is, these 120 people showing us a little glimpse of life in that position on behalf of over 28 million Californians can make the rules, and I have long thought, "Boy, a lot of Californians ought to be watching this process," for good or ill. When some guy stands up and acts nobly, and another guy stands up and acts like a jerk, it's still life. And the people of California ought to have an opportunity to witness it.

Well, since I started to represent the California Cable Television Association some eight years ago, I've been asked to serve on about three advisory committees by different people. Sometimes -- a couple of Members of the Legislature, about five or six years ago, decided they were highly interested and asked if I would come and sit in on meetings. Tom Holbert of California Journal and others would come up with committees trying to take a look at this thing. Each time I went and sat with them, both out of personal interest and representing interests of cable television, and never have they gotten off the ground.

It didn't get off the ground for two reasons. One was, they never got to the stage where they collected sufficient money to launch the kind of study that needed to be done to provide the data and the research that could form the basis or foundation of a public policy decision.

And two, there wasn't even a glimmer of interest on the part of the legislative leadership of either Houses. And as a



result, months into the process, the issue died. And I went off, and we were in a vacuum again for a while, and then I'd be called later, and once again I'm invited.

This time, Professor Westen of USC's Annenberg School and his colleague, Beth Givens, came in with a proposal to study this issue that was, to my mind, the most serious to date. And because I've seen Professor Westen testify at legislative hearings before, and because I know something of the Annenberg School at USC, I took this one more seriously and once agreed to participate.

So, I read each chapter in draft form as it came along, and provided advice when it was, I thought, necessary; put them in touch with cable operators when they needed technical or engineering kinds of advice; gave some advice that's purely from political instinct, and watched this report being developed.

It seems to me -- I've read the whole thing now -- and it seems to me that the questions that anybody legitimately ought to ask are essentially answered. It seems to me that the feasibility is clearly in hand, clearly understood. Now it seems to me we're ready to move to the next steps.

The first step if this is to go anywhere is clearly for the legislative leadership of both Houses to indicate that they think it's time to move our Legislature of California into sync with the other Legislators and the House and Senate of this country, into this new, technological era in which we open up the process and make it available to the people of California. That's step one. I think Paul Koplin very succinctly described what the next steps in that regard need to be.

And then, the next step after you've done as Ed Allen suggests and set up your own infrastructure for your own purposes, if you've made the decision to go into this process, then we look at distribution. Now, it's there I can tell you on behalf of the Cable Television Industry of California, first of all, we're not one big monolith, as I think all of you understand. We're 380-some companies in California; each makes its own business decisions on its own. But it does have a trade association, which I represent, a board of directors.

I can tell you that this board of directors helped fund this study because it was that interested from the beginning in having someone as prestigious as the Annenberg School, Tracy Westen, Beth Givens, looking into this. So, it contributed money to the process.

Furthermore, at a recent board meeting, now having benefit of this completed study, our board made it abundantly

clear that it is interested in seeing cable television in California become one of the partners in the process of distributing such programming to the homes of California, should the Legislature move to that next step. When I say "partner", I mean that unlike the C-SPAN model, we don't have a channel which you can just designate throughout the state with the same number on it for every cable system in California. That's no longer possible.

We do have a great deal of unutilized channel capacity in our systems throughout California -- local, educational and governmental channels, public access channels, et cetera -- and some even totally unutilized channel space on the systems that have greater channel capacity. There is space available out there to take that feed at various times throughout the programming day and evening, make that available through cable.

We also think that there are public educational channels, and you've heard them testify today, that ought to be willing, and many are, to carry this, and of course the commercial broadcasters are here to make it clear that while there has been some diminution of their coverage of activities at the State government, that doesn't mean they're not going to be highly interested in availing themselves of some of this as well.

So, cable is interested not in totally financing the operation. It is not interested in being held unilaterally responsible for distributing such programming, but most of my members, especially the largest members who have the greatest number of subscribers, seem highly interested in the proposal that's been suggested. One major cable operator in the Los Angeles area has even suggested that while the plan makes good sense, the cable operators, three or four years down the line, when the programming is under control and the market has been established, coming in paying a subscriber -- a fee per subscriber. He sees the possibility of cable service wanting to come even earlier in the process of paying to ensure even higher quality of product from the beginning. So, there is considerable enthusiasm out there about that.

I strongly urge you to move to these steps, as Ed Allen suggested. If he won't take credit for being the founder of C-SPAN, we consider him the founding father, if that doesn't sound too paternal, of C-SPAN. As he suggested, I think you ought to move with some deliberate speed to install the system that's been discussed for your own purposes. I know I as a lobbyist would love to be tuned into that as well so that my now electronic squawk box could become a video squawk box, and make even more efficient and effective use of that in my job.



And then, at that point, I strongly urge you to look at the one outfit that I've seen in eight years that looks to me to have done the homework, who've done the research, and now seems immanently qualified to have a board of directors that represents a cross-section of Californians, and is capable of moving ahead, and giving that organization, the California Channel, the opportunity to move forward with the distribution of programming throughout the state.

CHAIRMAN ROSENTHAL: Any questions?

Our final panelist, Water Gerken, is a Board Member of the California Channel, Chairman of the Executive Committee of Pacific Mutual Life Insurance Company, and the past Chair of the California Roundtable.

SENATOR ALQUIST: Mr. Chairman, if I may, my apologies to Mr. Gerken, but we're going to have to leave for the airport.

CHAIRMAN ROSENTHAL: Thank you for being here.

MR. GERKEN: I appreciate the opportunity to be here.

I think my role here today is to state that it's my firm belief that business will be very supportive of a statewide public affairs channel. As you indicated, I served for two years as Chairman of the California Business Roundtable. That was back in '82 and '83, when we developed what later became SB 813.

I mention that because to me, the Roundtable shows the keen interest of business people in essential public issues of our time and in our state. And as you know, we continue with another education effort that's now before the Legislature.

I'm also involved as a co-chair along with Cornell Meier, the former head of Kaiser Aluminum, with an outfit called California Leadership, which is a bipartisan effort, broadly based with minorities, women, and it's bipartisan in the sense that Senators Morgan and Torres are on it, Assemblymen Vasconcellos and Pat Nolan. And Cornell and I are on it, Ted Saenger, the former President of Pacific Tel., and a broad base of other people north and south. And what we are undertaking right now is to manage the California Compact, which is taking and running with the California Economic Development Commission's set of recommendations in California Vision 2010.

It's my firm belief that the business community senses the need for better education of the population in terms of understanding these issues, and I just know from my own experience in my own company, and my successor Harry Bubb is keenly interested in this, and I've seen evidences in other

corporations on whose boards I serve -- I serve on Edison Company, on Whitaker, and Carter and Hale.

So, I urge you to move forward with this. I think you'll get full support from the business community, even though I don't come under the authorized manner of anyone but myself. But having been involved as a business leader in public issues for the 22 years I've been out here, I just have a keen sense that you're going to be supported by businessmen in your efforts if you move forward with this project.

Thank you.

CHAIRMAN ROSENTHAL: Any comments? Senator Beverly.

SENATOR BEVERLY: I have a question to anybody.

We've heard from business, the media, Common Cause -- everybody's in support.

Is there anybody in opposition to this proposal? Was there an effort made to bring in opposition?

MR. KOPLIN: I could add something on that.

We announced our existence August 28th. Within, I think, two or three weeks -- I haven't talked to all -- but we have received a lot of unsolicited editorial endorsements from major newspapers of the state, including conservative and so-called liberal newspapers, from the San Diego Union to the L.A. Times, to the Sacramento Bee. Yesterday, I think it was, the San Jose Mercury News endorsed us.

There seems to be a ground swell of support for this concept.

SENATOR BEVERLY: Do you have the Orange County Register?

MR. KOPLIN: I'm working on it. I haven't talked to them yet, but believe me, they're on my list.

SENATOR BEVERLY: Mr. Gerken, in the Business Roundtable, did anybody voice any dissent on this issue?

MR. GERKEN: I've heard none, frankly. I know I've made an effort to add to the board of the California Channel some additional businessmen from some of the corporations I've already mentioned, and all of them have expressed a keen interest in what we're trying to develop here.

MS. GIVENS: For the record, I'm Beth Givens, co-author and principal researcher.

I appeared -- you don't appear on a radio talk show, I guess -- I was interviewed for a radio talk show the week that our report came out, and it's the kind of talk show where people call up and ask you questions. And I was on right after a discussion on Satanism, so I was a little bit worried about the tone of questions that were going to come up.

But I was very interested; the lines lit up. I was on a program in San Diego that has a strong signal that reached as far as Santa Barbara. The lines lit up. We had six calls, and four of the six were wildly enthusiastic. One woman was so excited she was out of breath from running to the phone. Two callers were -- they said they were not interested: one because she preferred the newspaper; the other because he thought that it would be an avenue for grandstanding, an opportunity for grandstanding.

One thing that was common for all six callers -- and those six calls came in in 30 minutes, which I guess is pretty good -- that all six callers were very, very concerned about the editorial integrity, and were reflecting a lot of the comments that we've all heard today about the importance of it not being a tool or a showcase for the Legislature for its own message, but that the origination of the television programming and the distribution be separate entities.

I thought that was interesting, that it as two-thirds for and one-third not interested.

CHAIRMAN ROSENTHAL: Asking the panel, the business community specifically, no concerns about the expenditures of taxpayer dollars for this kind of installation?

MR. GERKEN: My sense is that it's the most economic way that I can think of to educate the citizenry about what's going on. There's some numbers in our book, but it gets down into the cents per message.

I think that in the context of a \$50 billion State level budget expenditure, the amount of money you're talking about, which is in the low millions, is peanuts if it accomplishes the job, in the context of the issues before us in the years to come.

CHAIRMAN ROSENTHAL: I appreciate the input of everybody who helped us here today. As I said, this is our first step in the Senate of moving toward televising its proceedings. I think it's a promising step.

We'll need to ask many questions, some that have already been asked, and others that Members of the Legislature will come up with on cost and control, how both Houses can work together.

I want to thank everyone for coming, and I certainly have learned something, and I intend to read that report so that I might have some answers for questions that will be raised in the Senate in its future proceedings.

So, with that, anything further? Anybody feel compelled out there who has not said something? How about somebody who was not on the program who would like to have half a minute to make a comment.

MS. KISTLER: I'm Moonyean Kistler, and I'm a new resident of La Habra. I had lived in Whittier for 37 years.

I'd like to speak as a C-SPAN junkie. I came here to attend a Bureau of Automotive Repairs regulation meeting, and I'm also a registered advocate for a trade association, the Automotive Service Council.

But I really wanted to talk to you about being a C-SPAN junkie who is a citizen who used to watch "Days of Our Lives", and took cable just so I could hear the House of Representatives. It has taught me to have a greater appreciation for my elected officials, for both parties.

I don't like editorials. I also watch CNN News because I want to hear the news. When the President gives a speech, I'd rather watch C-SPAN because nobody's going to come on afterward and tell me what I already heard for myself.

So, this is why C-SPAN is important to me. I think it's very important to the citizens of California. My children would come home from high school and college, and that would be on television. They were forced to watch it. I received a whole lot of questions, especially from my teenage son, who has become quite informed. He'd tell his friends -- his friends would start asking me questions about issues that were important to them.

I think it's very important. California's a large state. I think our citizens deserve to see what's happening.

Also, looking at the legislative -- and now being a registered lobbyist for a trade association, I think it's important to the business community, for small business owners to be able to see whether their lobbyists are really representing them, because they can see that. I think committee structure, to see what goes on in committees, is very important to the citizens and businesses of California.

CHAIRMAN ROSENTHAL: Thank you very much.

With that, we will adjourn this session.

(Thereupon this Joint Hearing of the Senate Rules Committee and the Senate Energy & Public Utilities Committee was adjourned at approximately 12:35 P.M.)

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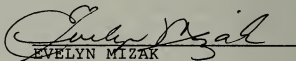
CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

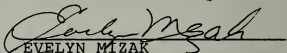
That I am a disinterested person herein; that the foregoing Joint hearing of the Senate Rules Committee and the Senate Energy & Public Utilities Committee was reported verbatim in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

11<sup>th</sup> IN WITNESS WHEREOF, I have hereunto set my hand this  
day of October, 1989.

  
EVELYN MIZAK  
Shorthand Reporter

IN WITNESS WHEREOF, I have hereunto set my hand on this  
reformatted transcript this 9<sup>th</sup> day of November, 1989.

  
EVELYN MIZAK  
Shorthand Reporter



California Legislature

## Senate Rules Committee

*DAVID ROBERTI*  
*Chairman*

MEMBERS  
WILLIAM A. CRAVEN  
VICE CHAIRMAN  
ROBERT G. BEVERLY  
HENRY J. MELLO  
NICHOLAS C. PETRIS  
CLIFF BERG  
EXECUTIVE OFFICER

JOINT HEARING  
OF THE  
SENATE RULES COMMITTEE  
AND  
SENATE ENERGY & PUBLIC UTILITIES COMMITTEE

Wednesday, September 20, 1989, 9:30 am to 1 pm  
State Building, Room 1138  
107 South Broadway, Los Angeles, California

**TELEVISIONING THE LEGISLATURE:**

**How Can the Senate Improve the Public's Access to Information  
About the Legislature, the Lawmaking Process, and the Laws that  
Affect their Lives?**

**BACKGROUND: WHY THIS HEARING?**

More than 70% of all Americans rely on television as their principal source of information. In California, citizens are able to watch Congress on television, and their local city council meetings, but the actions and decisions of the State Legislature remain unseen - and largely unknown - outside Sacramento.

The question of expanding television coverage of the Capitol is not a new one: A number of proposals have been suggested over the years as public television lost its state funding and as commercial television stations closed down their Sacramento news bureaus. This interest has recently been heightened by the publication of a USC Annenberg School of Communications report on the feasibility of establishing a new public affairs television network in California.

In August, the Assembly Committee on Utilities and Commerce convened an informational hearing to examine the prospects for televising the Legislature.



The Senate has scheduled two public hearings on this subject; the first hearing today in Los Angeles and a second hearing later this year in Sacramento.

#### WHAT OTHER GOVERNMENT ENTITIES HAVE DONE

The United States Congress, various States, and many cities and counties in California provide television coverage of the lawmaking process. They differ, however, in the way this coverage is provided; who produces the coverage, what is covered, how the footage is distributed, and who pays for what.

**CONGRESS:** The House of Representatives initiated live gavel-to-gavel coverage of floor sessions in 1979, the Senate in 1986. Congress purchased the cameras and other equipment and hired staff to produce the coverage.

C-SPAN is an independent, nonprofit entity, governed by a Board of Directors made up of cable company CEOs. C-SPAN distributes the video of Congressional floor sessions via satellite to cable companies around the country who pay 4¢ per subscriber for the programming. In addition to distribution, C-SPAN produces other programming such as interview and call-in shows, committee hearings, conventions, and other political events.

**OTHER STATES:** Only two other states in the U.S. have less television coverage of their state legislatures than California. In 38 states, public television produces regular public affairs programs that include coverage of state legislative issues.

For example, Florida Public Television receives \$500,000 a year from the Florida Legislature to produce daily and weekly news programs on the legislature's activities. The footage is distributed (free over PBS satellite) to other public television stations in the state plus a few cable channels.

WGBH, a public broadcast station in Boston, operates state-owned equipment and is given \$500,000 a year to produce gavel-to-gavel coverage of floor sessions and committee hearings for the Massachusetts House of Representatives (not the Senate). A microwave relay system carries the coverage to most of the state.

Rhode Island's legislature uses its own staff and cameras to produce gavel-to-gavel coverage of floor sessions, committee hearings, news conferences, weekly news and discussion shows which they distribute via a microwave interconnect to designated cable companies across the state.



A North Carolina executive branch department produces coverage of floor sessions and committee hearings and a call-in discussion show which is distributed by satellite to cable systems throughout the state.

**CALIFORNIA CITIES AND COUNTIES:** Some 207 cities and 26 counties in California have franchise agreements with local cable systems that call for dedicated local access channels. Some have dedicated government access channels (others have public access, education access, religious access, or a combined channel). Some 122 cities/counties provide live coverage of city council or board of supervisor meetings.

The City of Los Angeles is embarking on the most ambitious of these local programs. Using franchise fees (no general fund money is involved), the city purchased over \$500,000 worth of equipment to produce live coverage of city council meetings. Cable systems in Los Angeles, as required in their franchise agreements, are connected by microwave and have agreed to air the programming.

#### **WHAT THE CALIFORNIA CHANNEL HAS PROPOSED FOR THE LEGISLATURE**

The California Channel is a nonprofit organization that is seeking to play the same role for the California Legislature that C-SPAN plays for Congress.

Cal Channel is proposing that the Senate and/or Assembly purchase equipment and hire staff to produce the unedited coverage of floor sessions, committee hearings and/or press conferences. They plan to distribute the feed via satellite to interested cable systems across the state. They also hope to produce other programming such as interview, call-in shows, news highlights, etc.

#### **THE OBJECTIVES OF THE HEARING**

The primary objective of this first Senate hearing is to find out if the public thinks there is a need for more television coverage of the Legislature. The Committee is also interested in what other governments have done to open up the lawmaking process to a wider audience through television.

If a C-SPAN type program were to be established in California, it would require that the Legislature agree to purchase and install the cameras; that Cal Channel raise enough money (at least initially) to pay the satellite and uplink costs involved in

distributing the coverage statewide; and that local cable systems agree to air the programming.

The Committee is interested in hearing from the California Channel and the cable industry about what would need to happen for a new public affairs television network in California to become a reality.

The hearing scheduled for later this year is designed to focus more specifically on the issues and questions raised by the Cal Channel proposal:

Programming: Unedited coverage of floor sessions? Committee hearings? Conferences? News wrap-up/week-in-review program?

Produced by: Senate staff? Public Television?

Distribution: How much video footage of the Senate would be distributed over the satellite each day? What about on Fridays or during interim?

Aired by: Will cable systems dedicate a channel for Legislative programming? Will it be aired on government access channels? How much will they air? Will they edit the footage?

Watched by: Cable subscribers only? C-SPAN viewers tend to be well-educated, middle or higher income, older people who vote.











